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MINUTES

OF THE

GRAND COMMITTEE

OF THE

WHOLE CONVENTION

OF THE

COMMONWEALTH

OF

PENNSYLVANIA,

WHICH COMMENCED AT

PHILADELPHIA,

On TUESDAY, the twenty-fourth Day of NOVEMBER,

IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHTY-NINE;

FOR THE PURPOSE OF REVIEWING,

AND, IF THEY SEE OCCASION,

ALTERING AND AMENDING,

THE

CONSTITUTION OF THIS STATE.

PHILADELPHIA:

PRINTED BY ZACHARIAH POULSON, JUN. IN FOURTH-STREET,
BETWEEN MARKET-STREET AND ARCH-STREET.

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WHOLE CONVENTION

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COMMONWEALTH

OF

PENNSYLVANIA,

WHICH COMMENCED AT

PHILADELPHIA,

On TUESDAY the twenty-fourth Day of NOVEMBER,

IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHTY-NINE.

Tueſday, December 1, 1789. A. M.

The honorable Mr. M^cKean in the chair.

A MOTION was made by Mr. Hare, ſeconded by Mr. Edwards, in the following words, *viz.*

Reſolved, That in the opinion of this Committee it is expedient that the conſtitution of this ſtate be altered.

It was then moved by Mr. Robinſon, ſeconded by Mr. Smilie,

To poſtpone the conſideration of the ſaid reſolution.

On the queſtion—" Will the Committee agree to the poſtponement?"

It was carried in the affirmative.

It was moved by Mr. Lewis, ſeconded by Mr. M^cLene,

That the Committee riſe, report progreſs and aſk leave to ſit again to-morrow;

Which

Which was carried in the affirmative.

The Committee roſe,

And the Chairman reported, That the Committee had made ſome progreſs in the buſineſs referred to them, but, not having completed the ſame, requeſted leave to ſit again to-morrow.

Which was agreed to.

Wedneſday, December 2, 1789. A. M.

A motion was made by Mr. Wilſon, ſeconded by Mr. Hand, in the following words, *viz.*

Reſolved, as the opinion of this Committee, that the Legiſlature of this ſtate ſhould conſiſt of more than one branch.

And after ſome debate,

It was moved by Mr. Addiſon, ſeconded by Mr. Smilie,

To poſtpone the propoſed reſolution, in order to introduce the following, *viz.*

Whether that part of the conſtitution which relates to the legiſlative part of government ought to be altered?

A motion was made by Mr. M'Lene, ſeconded by Mr. Smilie,

That the Committee riſe, report progreſs and aſk leave to ſit again.

Which was determined in the negative.

And on the queſtion—" Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"

It was determined in the negative.

Whereupon,

A motion was made by Mr. Thomas Roſs, ſeconded by Mr. Sitgreaves,

Reſolved, That the Committee riſe, report progreſs in the buſineſs committed to them, and requeſt leave to ſit again to-morrow.

Which was accordingly done.

Thurſday, December 3, 1789. A. M.

The motion made yeſterday by Mr. Wilſon, ſeconded by Mr. Hand, recurring,

It was moved by Mr. Thomas Roſs, ſeconded by Mr. Coates,

To poſtpone the conſideration thereof, in order to introduce the following, *viz.*

Reſolved, That the conſtitution be read by articles and ſections, and the ſenſe of this Committee be taken on each article and ſection, whether it be neceſſary to make any alteration and amendment therein, and what.

And on the queſtion—" Will the Committee agree to poſtpone for the purpoſe above-mentioned?"

It was determined in the negative.

It was then moved by Mr. Lewis, ſeconded by Mr. Edwards,

To poſtpone the motion of Mr. Wilſon, in order to introduce the following in lieu thereof, *to wit*,

Reſolved,

Resolved, That in the opinion of this Committee the Legislative Department of the constitution of this commonwealth requires alterations and amendments, so as to consist of more than one branch, and in such of the arrangements as may be necessary for the complete organization thereof.

Which was carried in the affirmative.

And on the question—" Will the Committee agree to the proposed resolution?"—The Yeas and Nays being called by Mr. Lewis, were as follow, *viz.*

	YEAS.		YEAS.
1	James Wilson,	31	Christian Lower,
2	George Roberts,	32	Paul Groscop,
3	William Lewis,	33	Baltzer Gehr,
4	Thomas M'Kean,	34	Samuel Sitgreaves,
5	Thomas Mifflin,	35	Thomas Mawhorter,
6	George Gray,	36	John Arndt,
7	William Robinson, junior,	37	Peter Rhoads,
8	Robert Hare,	38	Charles Smith,
9	Enoch Edwards,	39	Simon Snyder,
10	Samuel Ogden,	40	William Findley,
11	Thomas Jenks,	41	William Todd,
12	John Barclay,	42	Alexander Addison,
13	Abraham Stout,	43	John Hoge,
14	William Gibbons,	44	David Redick,
15	Thomas Bull,	45	James Ross,
16	Thomas Ross,	46	John Smilie,
17	James Boyd,	47	James M'Lene,
18	Edward Hand,	48	George Matthews,
19	Robert Coleman,	49	James Morris,
20	Sebastian Graff,	50	Samuel Potts,
21	John Breckbill,	51	Lindsay Coates,
22	Henry Miller,	52	Jonathan Shoemaker,
23	Henry Slegle,	53	John Gloninger,
24	William Reed,	54	William Brown,
25	Benjamin Tyson,	55	Timothy Pickering,
26	Benjamin Pedan,	56	Andrew Henderson,
27	Matthew Dill,	57	John Gibson,
28	William Irvine,	58	Thomas Beale,
29	James Power,	59	John Sellers,
30	Joseph Heister,	60	Henry Hale Graham.

	NAYS.		NAYS.
1	Robert Whitehill,	3	Joseph Powell,
2	Abraham Lincoln,	4	John Piper.

So it was determined in the affirmative.

On motion,

Ordered, That the Committee rise, report progress and request leave to sit again to-morrow.

Which was accordingly done.

Friday,

Friday, December 4, 1789. A. M.

On motion of Mr. Wilſon, ſeconded by Mr. Sitgreaves,

Reſolved, unanimouſly, That in the opinion of this Committee the Executive Department of the conſtitution of this commonwealth ſhould be altered and amended, ſo as that the ſupreme executive power be veſted in a ſingle perſon; ſubject however to proper exceptions.

A motion was made by Mr. Wilſon, ſeconded by Mr. Pickering, in the following words, *viz.*

Reſolved, That in the opinion of this Committee the Judicial Department of the conſtitution of this commonwealth ſhould be altered and amended, ſo as that the Judges of the Supreme Court hold their commiſſions during good behaviour and be independent as to their ſalaries.

The Committee then roſe, reported progreſs and aſked leave to ſit to-morrow.

Which was accordingly granted.

Saturday, December 5, 1789. A. M.

The motion made yeſterday by Mr. Wilſon, ſeconded by Mr. Pickering, recurring, *viz.*

Reſolved, That in the opinion of this Committee the Judicial Department of the conſtitution of this commonwealth ſhould be altered and amended, ſo as that the Judges of the Supreme Court hold their commiſſions during good behaviour and be independent as to their ſalaries.

It was moved by Mr. Thomas Roſs, ſeconded by Mr. Lewis, that the following words be added to the ſaid motion, *viz.*

Subject however to ſuch reſtrictions as may hereafter be thought proper.

Which was carried in the affirmative.

A motion was then made by Mr. Smilie, ſeconded by Mr. Findley,

To poſtpone the conſideration of the reſolution, as amended, in order to introduce the following, *viz.*

Reſolved, That in the opinion of this Committee the Judicial Department of the conſtitution of this commonwealth ſhould be altered and amended, ſo as that the Judges of the Supreme Court be rendered more independent.

On the queſtion—" Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"

It was determined in the negative.

And the original reſolution, as amended, adopted, *viz.*

Reſolved, That in the opinion of this Committee the Judicial Department of the conſtitution of this commonwealth ſhould be altered and amended, ſo as that the Judges of the Supreme Court hold their commiſſions during good behaviour and be independent as to their ſalaries, ſubject however to ſuch reſtrictions as may hereafter be thought proper.

A motion was made by Mr. Wilſon, ſeconded by Mr. Hare, in the following words, *viz.*

Reſolved,

Reſolved, That in the opinion of this Committee the Supreme Executive Department ſhould have a qualified negative on the Legiſlature.

The Committee then roſe, reported progreſs and aſked leave to ſit again on Monday.

Which was accordingly granted.

Monday, December 7, 1789. P. M.

The motion made by Mr. Wilſon, ſeconded by Mr. Hare, December 5, recurring, and the ſame having been amended, ſo as to read as follows, *viz.*

Reſolved, That in the opinion of this Committee the conſtitution of this commonwealth ſhould be ſo amended as that the Supreme Executive Department ſhould have a qualified negative on the Legiſlature.

On the queſtion—" Will the Committee agree to the reſolution as amended?"—The Yeas and Nays were called by Mr. Wilſon, and were as follow, *viz.*

YEAS.	YEAS.
1 James Wilſon,	33 Abraham Lincoln,
2 Hilary Baker,	34 Paul Groſcop,
3 George Roberts,	35 Baltzer Gehr,
4 William Lewis,	36 Samuel Sitgreaves,
5 Thomas M'Kean,	37 Thomas Mawhorter,
6 Thomas Mifflin,	38 John Arndt,
7 George Gray,	39 Peter Rhoads,
8 William Robinſon, junior,	40 Joſeph Powell,
9 Robert Hare,	41 John Piper,
10 Enoch Edwards,	42 Charles Smith,
11 Samuel Ogden,	43 Simon Snyder,
12 Thomas Jenks,	44 William Findley,
13 John Barclay,	45 William Todd,
14 Abraham Stout,	46 Alexander Addiſon,
15 William Gibbons,	47 John Hoge,
16 Thomas Bull,	48 David Redick,
17 Thomas Roſs,	49 James Roſs,
18 James Boyd,	50 John Smilie,
19 Edward Hand,	51 Albert Gallatin,
20 Robert Coleman,	52 James M'Lene,
21 Sebaſtian Graff,	53 George Matthews,
22 John Hubley,	54 James Morris,
23 John Breckbill,	55 Samuel Potts,
24 Henry Miller,	56 Lindſay Coates,
25 Henry Slegle,	57 Jonathan Shoemaker,
26 William Reed,	58 John Gloninger,
27 Benjamin Tyſon,	59 William Brown,
28 Benjamin Pedan,	60 Timothy Pickering,
29 Matthew Dill,	61 Andrew Henderſon,
30 William Irvine,	62 John Gibſon,
31 Joſeph Heiſter,	63 John Sellers,
32 Chriſtian Lower,	64 Henry Hale Graham.

NAYS.	NAYS.
1 Robert Whitehill,	3 Thomas Beale.
2 James Power,	

So it was determined in the affirmative.

The Committee then roſe, reported progreſs and aſked leave to ſit to-morrow.

Which was accordingly granted.

Tueſday, December 8, 1789. A. M.

It was moved by Mr. Sitgreaves, ſeconded by Mr. Ogden,

That the Committee riſe and make report of their proceedings to the Convention.

A motion was then made by Mr. Findley, ſeconded by Mr. Smilie,

To poſtpone the motion of Mr. Sitgreaves, in order to introduce the following, *viz.*

Reſolved, That the Bill of Rights be now taken up for the conſideration of this Committee.

The Committee then roſe, reported progreſs and aſked leave to ſit again to-morrow.

Which was accordingly granted.

Wedneſday, December 9, 1789. A. M.

The motion made yeſterday by Mr. Sitgreaves, ſeconded by Mr. Ogden, *viz.* That the Committee riſe and make report of their proceedings to the Convention, recurring,

A motion was then made by Mr. James Roſs, ſeconded by Mr. Pickering, to poſtpone the conſideration of the ſaid motion, in order to introduce the following reſolution, *viz.*

Reſolved, That that part of the conſtitution of this commonwealth, called *A declaration of the rights of the inhabitants of the commonwealth or ſtate of Pennſylvania*, requires alterations and amendments, in ſuch manner as that the rights of the people, reſerved and excepted out of the general powers of government, may be more accurately defined and ſecured, and the ſame and ſuch other alterations and amendments as may be made in the ſaid conſtitution, be made to correſpond with each other.

On the queſtion—" Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"

It was carried in the affirmative,

And the propoſed reſolution unanimouſly adopted.

The motion made by Mr. Sitgreaves, ſeconded by Mr. Ogden, again recurring,

That the Committee riſe and make report of their proceedings to the Convention.

It was carried in the affirmative.

And the report of the Committee of the whole agreed to as follows, *viz.*

I. THAT, in the opinion of this Committee, the Legiſlative Department of the conſtitution of this commonwealth requires alterations and amendments, ſo as to conſiſt of more than one branch, and in ſuch of the arrangements as may be neceſſary for the complete organization thereof.

II. That, in the opinion of this Committee, the Executive Department of the conſtitution of this commonwealth ſhould be altered and amended, ſo as that the Supreme Executive Power be veſted in a ſingle perſon, ſubject however to proper exceptions.

III. That

III. That, in the opinion of this Committee, the Judicial Department of the conſtitution of this commonwealth ſhould be altered and amended, ſo as that the Judges of the Supreme Court hold their commiſſions during good behaviour, and be independent as to their ſalaries, ſubject however to ſuch reſtrictions as may hereafter be thought proper.

IV. That, in the opinion of this Committee, the conſtitution of this commonwealth ſhould be ſo amended as that the Supreme Executive Department ſhould have a qualified negative upon the Legiſlature.

V. That, in the opinion of this Committee, that part of the conſtitution of this commonwealth, called *A declaration of the rights of the inhabitants of the commonwealth or ſtate of Pennſylvania*, requires alterations and amendments, in ſuch manner as that the rights of the people, reſerved and excepted out of the general powers of government, may be more accurately defined and ſecured, and the ſame and ſuch other alterations and amendments in the ſaid conſtitution as may be agreed on, be made to correſpond with each other.

The Committee of the whole then roſe for the purpoſe of making the ſaid report.

Wedneſday, December 23, 1789. A. M.

The honorable Mr. M^cKean in the chair.

The Committee of the whole proceeded to take into conſideration the draught of a propoſed conſtitution, as reported by the committee appointed on the eleventh day of December, inſtant, for that purpoſe.

And after debating the firſt ſection of the firſt article of the propoſed conſtitution,

On the queſtion—" Will the Committee agree to the ſame?"

It was determined in the affirmative.

And in debating the ſecond ſection of the firſt article of the propoſed conſtitution, *viz.*

II. The Repreſentatives ſhall be choſen annually, by the citizens of the city of Philadelphia, and of each county in the ſtate reſpectively, on the Tueſday of October.

It was moved by Mr. Irvine, ſeconded by Mr. Smith,

To fill the blank with the word *ſecond.*

Which was carried in the affirmative, and the ſection unanimouſly adopted.

And in debating the third ſection of the firſt article of the propoſed conſtitution, *viz.*

III. No perſon ſhall be a Repreſentative, who ſhall not, at the time of his election, have been, the three years next preceding, an inhabitant of the ſtate, and *one year next preceding* an inhabitant of the city or county in which he ſhall be choſen.

It was moved by Mr. Lewis, ſeconded by Mr. Piper,

To ſtrike out the words " one year next preceding" and in lieu thereof to inſert the words *at the time of his election.*

And

And on the queſtion—" Will the Committee agree to ſtrike out the words for the aforeſaid purpoſe?"—The Yeas and Nays were called by Mr. Coleman, and were as follow, *viz.*

YEAS.		YEAS.	
1	James Wilſon,	5	Thomas M'Kean,
2	Hilary Baker,	6	George Gray,
3	George Roberts,	7	William Robinſon, junior.
4	William Lewis,		

NAYS.		NAYS.	
1	Thomas Mifflin,	30	Paul Groſcop,
2	Robert Hare,	31	Baltzer Gehr,
3	Enoch Edwards,	32	Thomas Mawhorter,
4	Samuel Ogden,	33	Joſeph Powell,
5	Thomas Jenks,	34	John Piper,
6	John Barclay,	35	Charles Smith,
7	Abraham Stout,	36	Simon Snyder,
8	William Gibbons,	37	William Findley,
9	Thomas Bull,	38	William Todd,
10	Thomas Roſs,	39	Alexander Addiſon,
11	James Boyd,	40	John Hoge,
12	Edward Hand,	41	David Redick,
13	Robert Coleman,	42	James Roſs,
14	Sebaſtian Graff,	43	John Smilie,
15	William Atlee,	44	Albert Gallatin,
16	John Hubley,	45	James M'Lene,
17	John Breckbill,	46	George Matthews,
18	Henry Miller,	47	James Morris,
19	Henry Slegle,	48	Samuel Potts,
20	William Reed,	49	Lindſay Coates,
21	Benjamin Tyſon,	50	Jonathan Shoemaker,
22	Benjamin Pedan,	51	John Gloninger,
23	Matthew Dill,	52	William Brown,
24	Robert Whitehill,	53	Timothy Pickering,
25	William Irvine,	54	Andrew Henderſon,
26	James Power,	55	John Gibſon,
27	Joſeph Heiſter,	56	Thomas Beale,
28	Chriſtian Lower,	57	John Sellers,
29	Abraham Lincoln,	58	Henry Hale Graham.

So it was determined in the negative.

It was then moved by Mr. Lewis, ſeconded by Mr. Pickering,

To amend the ſaid reſolution, ſo as to read as follows, *viz.*

III. No perſon ſhall be a Repreſentative who ſhall not have attained the age of twenty-one years, and have been three years next preceding his election a citizen and inhabitant of the ſtate, and the laſt year thereof an inhabitant of the city or county in which he ſhall be choſen.

It was thereupon moved by Mr. Ogden, ſeconded by Mr. Edwards,

To add the following words to the ſaid ſection: viz. *And ſhall hold, in his own right, a freehold eſtate of the value of one hundred pounds.*

The Committee then roſe in order to report, That they had made ſome progreſs in the buſineſs committed to them, and to aſk leave to ſit again.

Which was accordingly done.

Thurſday,

Thurſday, December 24, 1789. A. M.

The third ſection of the firſt article of the propoſed conſtitution for the government of this commonwealth, together with the ſeveral amendments made thereto, again recurring, *viz.*

No perſon ſhall be a Repreſentative who ſhall not have attained the age of twenty-one years, and have been, three years next preceding his election, a citizen and inhabitant of the ſtate, and the laſt year thereof an inhabitant of the city or county in which he ſhall be choſen, *and ſhall hold, in his own right, a freehold eſtate of the value of one hundred pounds.*

Mr. Ogden withdrew his amendment, propoſed yeſterday, in the following words: "And ſhall hold, in his own right, a freehold eſtate of the value of one hundred pounds."

It was then moved by Mr. Henderſon, ſeconded by Mr. Boyd,

To add after the word *choſen*, the following: *Nor ſhall he be capable of ſerving as a Repreſentative longer than years in any term of years.*

On the queſtion—"Will the Committee agree to the propoſed amendment?"—The Yeas and Nays being called by Mr. Ogden, were as follow, *viz.*

YEAS.		YEAS.	
1	William Gibbons,	12	Joſeph Powell,
2	James Boyd,	13	John Piper,
3	John Breckbill,	14	William Findley,
4	Robert Whitehill,	15	Alexander Addiſon,
5	James Power,	16	John Hoge,
6	Joſeph Heiſter,	17	David Redick,
7	Chriſtian Lower,	18	John Smilie,
8	Abraham Lincoln,	19	James M'Lene,
9	Paul Groſcop,	20	George Matthews,
10	Baltzer Gehr,	21	Andrew Henderſon.
11	Thomas Mawhorter,		

NAYS.		NAYS.	
1	James Wilſon,	23	Henry Slegle,
2	Hilary Baker,	24	William Reed,
3	George Roberts,	25	Benjamin Tyſon,
4	William Lewis,	26	Benjamin Pedan,
5	Thomas M'Kean,	27	Matthew Dill,
6	Thomas Mifflin,	28	William Irvine,
7	George Gray,	29	Charles Smith,
8	William Robinſon, junior,	30	Simon Snyder,
9	Robert Hare,	31	William Todd,
10	Enoch Edwards,	32	James Roſs,
11	Samuel Ogden,	33	Albert Gallatin,
12	Thomas Jenks,	34	James Morris,
13	John Barclay,	35	Samuel Potts,
14	Abraham Stout,	36	Lindſay Coates,
15	Thomas Bull,	37	Jonathan Shoemaker,
16	Thomas Roſs,	38	John Gloninger,
17	Edward Hand,	39	William Brown,
18	Robert Coleman,	40	Timothy Pickering,
19	Sebaſtian Graff,	41	John Gibſon,
20	William Atlee,	42	John Sellers,
21	John Hubley,	43	Henry Hale Graham.
22	Henry Miller,		

So it was determined in the negative.

And thereupon,

The third ſection of the firſt article of the ſaid propoſed conſtitution, as amended, was unanimouſly agreed to as follows, *viz.*

III. No perſon ſhall be a Repreſentative who ſhall not have attained the age of twenty-one years, and have been, three years next preceding his election, a citizen and inhabitant of the ſtate, and the laſt year thereof an inhabitant of the city or county in which he ſhall be choſen.

The fourth ſection of the firſt article of the ſaid propoſed conſtitution having been read,

The Committee roſe in order to report further progreſs in the buſineſs referred to them, and to requeſt leave to ſit again.

Saturday, December 26, 1789. A. M.

The fourth ſection of the firſt article of the propoſed conſtitution, recurring, *viz.*

IV. The Repreſentatives from the city of Philadelphia and the ſeveral counties ſhall be in proportion to the number of taxable inhabitants; provided that the number of Repreſentatives ſhall never be fewer than ſixty, nor more than one hundred: But each county ſhall have, at leaſt, one Repreſentative. An enumeration of the taxable inhabitants ſhall be made within three years after the firſt meeting of the General Aſſembly, and within every ſubſequent term of ten years, in ſuch manner as they ſhall, by law, direct. Until ſuch enumeration ſhall be made, the city of Philadelphia and the ſeveral counties of the ſtate, ſhall be, reſpectively, entitled to chooſe the ſame number of Repreſentatives as is now preſcribed by law.

A motion was made by Mr. Addiſon, ſeconded by Mr. Matthews,

To ſtrike out the word *ten* in order to inſert the word *five*.

It was then moved by Mr. Smith, ſeconded by Mr. Miller,

To poſtpone the conſideration of the ſaid motion in order to introduce the following amendment, *viz.*

After the words " General Aſſembly, and" to add the words *within every ſeven years afterwards, until the term of twenty-one years ſhall have elapſed, and then.*

On the queſtion—" Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"

It was determined in the negative.

The original motion then recurring,

On the queſtion—" Shall the word *ten* be ſtruck out?"—The Yeas and Nays being called by Mr. Smith, were as follow, *viz.*

YEAS.	YEAS.
1 Thomas M'Kean,	13 William Irvine,
2 Thomas Roſs,	14 James Power,
3 James Boyd,	15 Joſeph Heiſter,
4 Edward Hand,	16 Chriſtian Lower,
5 Robert Coleman,	17 Paul Groſcop,
6 William Atlee,	18 Abraham Lincoln,
7 Henry Miller,	19 Balzer Gehr,
8 William Reed,	20 Thomas Mawhorter,
9 Benjamin Tyſon,	21 Joſeph Powell,
10 Benjamin Pedan,	22 John Piper,
11 Matthew Dill,	23 Charles Smith,
12 Robert Whitehill,	24 Simon Snyder,

YEAS.

YEAS.

25 William Findley,
26 William Todd,
27 Alexander Addiſon,
28 John Hoge,
29 David Redick,
30 James Roſs,
31 John Smilie,
32 Albert Gallatin,
33 James M'Lene,
34 George Matthews,
35 Lindſay Coates,
36 Jonathan Shoemaker,
37 John Gloninger,
38 William Brown,
39 Timothy Pickering,
40 Andrew Henderſon,
41 John Gibſon.

NAYS.

1 James Wilſon,
2 Hilary Baker,
3 George Roberts,
4 William Lewis,
5 Thomas Mifflin,
6 George Gray,
7 William Robinſon, junior,
8 Robert Hare,
9 Samuel Ogden,
10 Thomas Jenks,
11 John Barclay,
12 Abraham Stout,
13 Thomas Bull,
14 Sebaſtian Graff,
15 John Hubley,
16 Henry Slegle,
17 John Sellers,
18 Henry Hale Graham.

So it was carried in the affirmative.

A motion was then made by Mr. Pickering, ſeconded by Mr. Wilſon,

To poſtpone the queſtion for filling up the blank in order to introduce the following amendment: To ſtrike out the words " and within every ſubſequent term of years," and in lieu thereof to inſert the words *and afterwards as often as once in ten years and not oftener than once in five years.*

On the queſtion—" Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"—The Yeas and Nays being called by Mr. Wilſon, were as follow, *viz.*

YEAS.

1 James Wilſon,
2 Thomas Roſs,
3 Timothy Pickering,
4 John Sellers.

NAYS.

1 Hilary Baker,
2 George Roberts,
3 William Lewis,
4 Thomas M'Kean,
5 Thomas Mifflin,
6 George Gray,
7 William Robinſon, junior,
8 Robert Hare,
9 Samuel Ogden,
10 Thomas Jenks,
11 John Barclay,
12 Abraham Stout,
13 Thomas Bull,
14 James Boyd,
15 Edward Hand,
16 Robert Coleman,
17 Sebaſtian Graff,
18 William Atlee,
19 John Hubley,
20 Henry Miller,
21 Henry Slegle,
22 William Reed,
23 Benjamin Tyſon,
24 Benjamin Pedan,
25 Matthew Dill,
26 Robert Whitehill,
27 William Irvine,
28 James Power,
29 Joſeph Heiſter,
30 Chriſtian Lower,
31 Abraham Lincoln,
32 Paul Groſcop,
33 Baltzer Gehr,
34 Thomas Mawhorter,
35 Joſeph Powell,
36 John Piper,
37 Charles Smith,
38 Simon Snyder,

NAYS.

NAYS.		NAYS.	
39	William Findley,	48	George Matthews,
40	William Todd,	49	Lindſay Coates,
41	Alexander Addiſon,	50	Jonathan Shoemaker,
42	John Hoge,	51	John Gloninger,
43	David Redick,	52	William Brown,
44	James Roſs,	53	Andrew Henderſon,
45	John Smilie,	54	John Gibſon,
46	Albert Gallatin,	55	Henry Hale Graham.
47	James M^cLene,		

So it was determined in the negative.

It was moved by Mr. Miller, ſeconded by Mr. Coleman,

To fill the blank in the foregoing reſolution with the word *ſeven.*

Whereupon,

A queſtion was taken, *viz.* "Shall the vote be taken on the word *five* previous to the word *ſeven?*"

Which was carried in the affirmative.

The original motion then recurring, to fill the blank with *five,*

On the queſtion—"Will the Committee agree to the ſame?"—The Yeas and Nays were called by Mr. Wilſon, and were as follow, *viz.*

YEAS.		YEAS.	
1	Thomas M^cKean,	16	Simon Snyder,
2	Thomas Roſs,	17	William Findley,
3	James Boyd,	18	William Todd,
4	William Reed,	19	Alexander Addiſon,
5	Benjamin Pedan,	20	John Hoge,
6	Matthew Dill,	21	David Redick,
7	Robert Whitehill,	22	James Roſs,
8	James Power,	23	John Smilie,
9	Chriſtian Lower,	24	Albert Gallatin,
10	Abraham Lincoln,	25	James M^cLene,
11	Paul Groſcop,	26	George Matthews,
12	Baltzer Gehr,	27	John Gloninger,
13	Thomas Mawhorter,	28	Andrew Henderſon,
14	Joſeph Powell,	29	John Gibſon.
15	John Piper,		

NAYS.		NAYS.	
1	James Wilſon,	16	Sebaſtian Graff,
2	Hilary Baker,	17	William Atlee,
3	George Roberts,	18	John Hubley,
4	William Lewis,	19	Henry Miller,
5	Thomas Mifflin,	20	Henry Slegle,
6	George Gray,	21	Benjamin Tyſon,
7	William Robinſon, junior,	22	William Irvine,
8	Robert Hare,	23	Joſeph Heiſter,
9	Samuel Ogden,	24	Charles Smith,
10	Thomas Jenks,	25	Lindſay Coates,
11	John Barclay,	26	Jonathan Shoemaker,
12	Abraham Stout,	27	William Brown,
13	Thomas Bull,	28	Timothy Pickering,
14	Edward Hand,	29	John Sellers,
15	Robert Coleman,	30	Henry Hale Graham.

So

So it was determined in the negative.

The motion made by Mr. Miller then recurring, *viz.*

" Shall the blank be filled with the word *ſeven?*"

It was unanimouſly carried in the affirmative.

A motion was thereupon made by Mr. Lewis, ſeconded by Mr. Miller,

To ſtrike out the word " ſixty" and the words " one hundred," and to inſert inſtead of the word " ſixty" the words *forty-five*, and in lieu of the words " one hundred" the word *ninety*.

The Committee then roſe, reported progreſs and aſked leave to ſit again.

Monday, December 28, 1789. A. M.

Mr. Lewis withdrew his motion made on Saturday laſt, *viz.*

To ſtrike out of the fourth ſection of the firſt article of the propoſed conſtitution, the words *ſixty* and *one hundred*, and in lieu thereof to inſert the words *forty-five* and *ninety*.

The fourth ſection again recurring, with the propoſed amendments,

It was moved by Mr. Lewis, ſeconded by Mr. Wilſon, to amend the ſection ſo as to read as follows, *viz.*

The number of Repreſentatives ſhall, at the ſeveral periods of making the enumeration in this ſection mentioned, be fixed by the Legiſlature, and apportioned between the city of Philadelphia and the ſeveral counties, according to the number of taxable inhabitants in each; and ſhall never be leſs than ſixty, nor more than one hundred: But each county already eſtabliſhed ſhall, during its continuance, have, at leaſt, one Repreſentative. An enumeration of the taxable inhabitants ſhall be made within three years after the firſt meeting of the General Aſſembly, and within every ſubſequent term of ſeven years, in ſuch manner as ſhall be, by law, directed. Until ſuch enumeration ſhall be made, the city of Philadelphia and the ſeveral counties ſhall be, reſpectively, entitled to chooſe the ſame number of Repreſentatives as is now preſcribed by law.

A motion was then made by Mr. Irvine, ſeconded by Mr. M^cLene,

To inſert in the ſaid propoſed ſection, after the words " at leaſt one Repreſentative," the words *Provided that no new county ſhall be eſtabliſhed unleſs there be taxable inhabitants therein.*

It was moved by Mr. Pickering, ſeconded by Mr. Thomas Roſs,

To amend the ſaid ſection by inſerting, after the words " at leaſt one Repreſentative," the following, *viz. But no county, hereafter erected, ſhall be entitled to a ſeparate repreſentation until it contains ſuch a number of taxable inhabitants as conſtitutes the ratio by which Repreſentatives are apportioned in the counties already eſtabliſhed.*

Mr. Lewis then moved, ſeconded by Mr. Irvine,

To ſtrike out the words contained in the ſection propoſed by him this forenoon, *viz.* " already eſtabliſhed ſhall, during its continuance," in order to inſert the following proviſo, after the word " Repreſentative." *Provided, that no new county ſhall be erected until a ſufficient number of taxable inhabitants ſhall be contained within the limits thereof, to entitle them to at leaſt one Repreſentative, agreeably to the ratio which ſhall then be eſtabliſhed for the city of Philadelphia and the ſeveral counties.*

It was then moved by Mr. Wilſon, ſeconded by Mr. Irvine,

To add the words in the ſaid ſection propoſed by Mr. Lewis, viz. " already eſtabliſhed and during their continuance."

Thereupon,

Thereupon,

On motion of Mr. Findley, ſeconded by Mr. Wilſon,

Ordered, That the further conſideration of the ſaid ſection, together with the ſeveral amendments, be poſtponed.

The fifth ſection of the firſt article of the propoſed conſtitution, coming under the conſideration of the Committee, *viz.*

V. The Senate ſhall conſiſt of not fewer than ſixteen, nor more than thirty-two members, choſen in diſtricts, in proportion to the number of taxable inhabitants in each diſtrict.

It was moved by Mr. Hare, ſeconded by Mr. Redick,

To ſtrike out the words " not fewer than ſixteen, nor more than thirty-two."

A motion for an amendment was then made by Mr. Findley, ſeconded by Mr. M^cLene,

To ſtrike out the words contained in the ſaid ſection, viz. " The Senate ſhall conſiſt of not fewer than ſixteen, nor more than thirty-two members," and in lieu thereof to inſert the following words, viz. *The number of Senators ſhall be in the proportion of one Senator to every three Repreſentatives.*

Whereupon,

It was moved by Mr. Pickering, ſeconded by Mr. Thomas Roſs,

To poſtpone the conſideration of the ſaid ſection, together with the ſeveral amendments propoſed, in order to introduce the following as a ſubſtitute for the ſection under conſideration, as well as the ſixth ſection of the firſt article of the ſaid propoſed conſtitution, *viz.*

The number of Senators ſhall not be leſs than one-fourth, nor more than one-third of the number of Repreſentatives, and choſen in diſtricts into which the commonwealth ſhall, from time to time, be divided by the Legiſlature; and the number of Senators aſſigned to each diſtrict ſhall be in proportion, as nearly as may be, to its quota of public taxes; provided that no diſtrict ſhall be ſo large as to be entitled to chooſe more than Senators.

A motion was made by Mr. Hare, ſeconded by Mr. Ogden,

That the Committee riſe, report progreſs in the buſineſs referred to them, and aſk leave to ſit again.

On the queſtion—" Will the Committee agree to the motion?"

It was determined in the negative.

After conſiderable debate—

The ſame motion was renewed by Mr. Wilſon, ſeconded by Mr. Gray.

On the queſtion—" Shall the Committee now riſe, report further progreſs in the buſineſs referred to them, and aſk leave to ſit again?"

The members appearing to be equally divided—

The Chairman gave his caſting vote in the affirmative,

And the Committee accordingly roſe, reported progreſs and aſked leave to ſit again.

Tueſday, December 29, 1789. A. M.

The Committee reſumed the conſideration of the fourth ſection of the firſt article of the propoſed conſtitution, with the ſeveral amendments, poſtponed yeſterday, and adopted the proviſo moved by Mr. Lewis and Mr. Irvine, ſo that the ſaid ſection read as follows, *viz.*

The

The number of Repreſentatives ſhall, at the ſeveral periods of making the enumeration in this ſection mentioned, be fixed by the Legiſlature, and apportioned between the city of Philadelphia and the ſeveral counties according to the number of taxable inhabitants in each, and ſhall never be leſs than ſixty nor more than one hundred: But each county ſhall have, at leaſt, one Repreſentative; provided that no new ſhall be erected until a ſufficient number of taxable inhabitants ſhall be contained within the limits thereof, to entitle them to at leaſt one Repreſentative, agreeably to the ratio which ſhall then be eſtabliſhed for the city of Philadelphia and the ſeveral counties. An enumeration of the taxable inhabitants ſhall be made within three years after the firſt meeting of the General Aſſembly, and within every ſubſequent term of ſeven years, in ſuch manner as ſhall be, by law, directed. Until ſuch enumeration ſhall be made, the city of Philadelphia and the ſeveral counties ſhall be, reſpectively, entitled to chooſe the ſame number of Repreſentatives as is now preſcribed by law.

Whereupon,

A motion was made by Mr. Gallatin, ſeconded by Mr. Smilie,

To re-conſider the ſaid ſection, as amended, in order to ſtrike out the words " And ſhall never be leſs than ſixty nor more than one hundred:" and in lieu thereof to infert the following, viz. *Allowing one Repreſentative for every taxable inhabitant, until the whole number of Repreſentatives amounts to which number ſhall then be kept for ever.*

On the queſtion—" Will the Committee agree to re-conſider for the aforeſaid purpoſe?"

It was carried in the affirmative.

It was then moved by Mr. Gallatin, ſeconded by Mr. Findley,

To fill the firſt blank in the ſaid amendment with the words *twelve hundred*, and to fill the ſecond blank in the ſaid amendment with the words *one hundred and twenty.*

On motion of Mr. Lewis, ſeconded by Mr. Smilie,

Ordered, That the further conſideration of the ſaid ſection, together with the ſeveral amendments, be poſtponed.

The fifth ſection of the firſt article of the ſaid propoſed conſtitution, with the ſeveral amendments, recurring,

On the queſtion—" Will the Committee agree to the poſtponement moved yeſterday by Mr. Pickering, ſeconded by Mr. Thomas Roſs, in order to take into conſideration the following, as a ſubſtitute for the fifth and ſixth ſections of the firſt article of the propoſed conſtitution, *viz.*

The number of Senators ſhall not be leſs than one-fourth, nor more than one-third of the number of Repreſentatives, and choſen in diſtricts into which the commonwealth ſhall, from time to time, be divided by the Legiſlature; and the number of Senators aſſigned to each diſtrict ſhall be in proportion, as nearly as may be, to its quota of public taxes; provided that no diſtrict ſhall be ſo large as to be entitled to chooſe more than Senators?"

And the Yeas and Nays being called by Mr. Whitehill, were as follow, *viz.*

YEAS.

1 William Robinſon, junior,
2 Timothy Pickering.

NAYS.

1 James Wilſon,
2 Hilary Baker,
3 George Roberts,
4 William Lewis,
5 Thomas M'Kean,

NAYS.

6 Thomas Mifflin,
7 George Gray,
8 Robert Hare,
9 Enoch Edwards,
10 Samuel Ogden,

NAYS.

NAYS.		NAYS.	
11	Thomas Jenks,	36	Thomas Mawhorter,
12	John Barclay,	37	Joſeph Powell,
13	Abraham Stout,	38	John Piper,
14	William Gibbons,	39	Charles Smith,
15	Thomas Bull,	40	Simon Snyder,
16	James Boyd,	41	William Findley,
17	Edward Hand,	42	William Todd,
18	Robert Coleman,	43	Alexander Addiſon,
19	Sebaſtian Graff,	44	John Hoge,
20	William Atlee,	45	David Redick,
21	John Hubley,	46	James Roſs,
22	Henry Miller,	47	John Smilie,
23	Henry Slegle,	48	Albert Gallatin,
24	William Reed,	49	James M^cLene,
25	Benjamin Tyſon,	50	George Matthews,
26	Benjamin Pedan,	51	James Morris,
27	Matthew Dill,	52	Samuel Potts,
28	Robert Whitehill,	53	Lindſay Coates,
29	William Irvine,	54	Jonathan Shoemaker,
30	James Power,	55	John Gloninger,
31	Joſeph Heiſter,	56	William Brown,
32	Chriſtian Lower,	57	Andrew Henderſon,
33	Abraham Lincoln,	58	John Gibſon,
34	Paul Groſcop,	59	John Sellers,
35	Baltzer Gehr,	60	Henry Hale Graham.

So it was determined in the negative.

The motion made by Mr. Findley, ſeconded by Mr. M^cLene, then recurring, *viz.*

To ſtrike out the words "The Senate ſhall conſiſt of not fewer than ſixteen nor more than thirty-two members," and in lieu thereof to inſert the following, *viz.* The number of Senators ſhall be in the proportion of one Senator to every three Repreſentatives.

After ſome debate

The Committee roſe in order to report further progreſs and aſk leave to ſit again.

Wedneſday, December 30, 1789. A. M.

The fourth ſection of the firſt article of the propoſed conſtitution, as amended, together with the amendment moved yeſterday by Mr. Gallatin, ſeconded by Mr. Smilie, recurring,

It was moved by Mr. Lewis, ſeconded by Mr. Potts,

To inſert after the words "one hundred," theſe words: "And that it ſhall be encreaſed at the time of making each enumeration, except the firſt, in the ſame proportion which the encreaſe of the number of taxables ſhall bear to the number of Repreſentatives, until the ſame ſhall amount to one hundred."

A queſtion was then taken "Whether the Committee will agree that the number of Repreſentatives ſhall not be fewer than ſixty?"

It was unanimouſly carried in the affirmative.

A queſtion was taken "Shall the words *one hundred* be ſtruck out for the purpoſe of inſerting the words *one hundred and twenty?*"—And the Yeas and Nays being called by Mr. Ogden, were as follow, *viz.*

YEAS.

YEAS.		YEAS.	
1	Robert Whitehill,	7	William Todd,
2	James Power,	8	Alexander Addiſon,
3	Chriſtian Lower,	9	John Smilie,
4	Abraham Lincoln,	10	Albert Gallatin,
5	John Piper,	11	James M'Lene,
6	William Findley,	12	George Matthews.

NAYS.		NAYS.	
1	James Wilſon,	26	Benjamin Pedan,
2	Hilary Baker,	27	Matthew Dill,
3	George Roberts,	28	William Irvine,
4	William Lewis,	29	Joſeph Heiſter,
5	Thomas M'Kean,	30	Paul Groſcop,
6	Thomas Mifflin,	31	Baltzer Gehr,
7	George Gray,	32	Thomas Mawhorter,
8	William Robinſon, junior,	33	Joſeph Powell,
9	Enoch Edwards,	34	Charles Smith,
10	Samuel Ogden,	35	Simon Snyder,
11	Thomas Jenks,	36	John Hoge,
12	John Barclay,	37	David Redick,
13	Abraham Stout,	38	James Roſs,
14	William Gibbons,	39	James Morris,
15	Thomas Bull,	40	Samuel Potts,
16	James Boyd,	41	Lindſay Coates,
17	Edward Hand,	42	Jonathan Shoemaker,
18	Robert Coleman,	43	John Gloninger,
19	Sebaſtian Graff,	44	William Brown,
20	William Atlee,	45	Timothy Pickering,
21	John Hubley,	46	Andrew Henderſon,
22	Henry Miller,	47	John Gibſon,
23	Henry Slegle,	48	Thomas Beale,
24	William Reed,	49	John Sellers,
25	Benjamin Tyſon,	50	Henry Hale Graham.

DUPLICATE SOLD.

So it was determined in the negative.

The amendment moved by Mr. Lewis, ſeconded by Mr. Potts, recurring, the ſame was unanimouſly adopted.

It was then moved by Mr. Ogden, ſeconded by Mr. James Roſs,

To ſtrike out the word "erected" in the amendment of Mr. Lewis and Mr. Irvine of the twenty-eighth inſtant, and in lieu thereof to inſert the following words, viz. *Entitled to a ſeparate repreſentation.*

Which was carried in the affirmative,

And thereupon,

The ſaid fourth ſection, as amended, agreed to as follows, *viz.*

Section IV. The number of Repreſentatives ſhall, at the ſeveral periods of making the enumeration in this ſection mentioned, be fixed by the Legiſlature, and apportioned between the city of Philadelphia and the ſeveral counties, according to the number of taxable inhabitants in each, and ſhall never be leſs than ſixty, nor more than one hundred; and that it ſhall be encreaſed at the time of making each enumeration, except the firſt, in the ſame proportion which the encreaſe of the number of taxables ſhall bear to the then number of Repreſentatives, until the ſame ſhall amount to one hundred. But each county ſhall have at leaſt one Repreſentative; provided that no new county ſhall be entitled to a ſeparate repreſentation, until a ſufficient number of

taxable inhabitants ſhall be contained within the limits thereof, to entitle them to at leaſt one Repreſentative, agreeably to the ratio which ſhall then be eſtabliſhed for the city of Philadelphia and the ſeveral counties; an enumeration of the taxable inhabitants ſhall be made within three years after the firſt meeting of the General Aſſembly, and within every ſubſequent term of ſeven years in ſuch manner, as ſhall be, by law, directed. Until ſuch enumeration ſhall be made, the city of Philadelphia and the ſeveral counties ſhall be reſpectively entitled to chooſe the ſame number of Repreſentatives, as is now preſcribed by law.

The fifth ſection of the firſt article recurring, together with the amendment propoſed by Mr. Findley, ſeconded by Mr. M'Lene, the twenty-eighth inſtant.

It was moved by Mr. Smith, ſeconded by Mr. Miller,

To poſtpone the conſideration of the ſaid ſection and the ſeveral amendments, in order to introduce the following as a ſubſtitute, *viz.*

That the Senators ſhall be choſen in diſtricts, in proportion to the number of taxable inhabitants in each diſtrict, and ſhall conſiſt of members until the firſt enumeration, before mentioned, ſhall be made, when, and at the ſeveral periods of making the enumeration thereafter, the number of Senators ſhall be fixed by the Legiſlature, and ſhall never be leſs than one-fourth nor more than one-third of the number of Repreſentatives.

It was moved by Mr. Wilſon, ſeconded by Mr. Findley,

To poſtpone the further conſideration of the ſaid fifth ſection with the ſeveral amendments, as well as the ſubſtitute propoſed by Mr. Smith and Mr. Miller, together with the ſixth ſection of the firſt article of the ſaid propoſed conſtitution, in order to take into conſideration that part of the ſaid propoſed conſtitution which declares "That the Senators ſhall be choſen by Electors."

On the queſtion to agree to the poſtponement for the aforeſaid purpoſe—

It was determined in the negative.

And the ſubſtitute propoſed by Mr. Smith, ſeconded by Mr. Miller, was agreed to.

The ſixth ſection of the firſt article of the propoſed conſtitution being next in order before the Committee, *viz.*

The city of Philadelphia and the ſeveral counties ſhall be formed into diſtricts, containing each, as nearly as may be, ſuch a number of taxable inhabitants as ſhall be entitled to elect one Senator; but where that cannot be done, then ſuch a number of adjoining counties ſhall be formed into one diſtrict as ſhall be entitled to elect not more than *three* Senators.

It was moved by Mr. Smilie, ſeconded by Mr. M'Lene,

To ſtrike out the word *three* from the ſaid ſection.

Which was carried in the affirmative.

And thereupon

The ſixth ſection adopted.

The ſeventh ſection of the firſt article of the ſaid propoſed conſtitution being the next in order before the Committee, *viz.*

The citizens of the city of Philadelphia and of the ſeveral counties, qualified to elect Repreſentatives, when aſſembled for that purpoſe, ſhall, if occaſion require, at the ſame time, at the ſame places, and in the ſame manner, for every Repreſentative elect two perſons, reſident within their city or county reſpectively, as Electors of the Senator or Senators of their diſtrict.

A motion was made by Mr. James Roſs, ſeconded by Mr. Pickering,

To poſtpone the conſideration of the ſeventh ſection in order to re-conſider the ſixth.

Which was carried in the affirmative.

It

It was then moved by Mr. Smith, ſeconded by Mr. Lewis,

To amend the ſixth ſection ſo as to read as follows, *viz.*

The city of Philadelphia and the ſeveral counties ſhall be divided into diſtricts, any of which ſhall contain ſuch a number of taxable inhabitants as ſhall be entitled to chooſe any number of Senators not exceeding four; but the city or any county ſhall not be divided in forming ſuch diſtricts.

A motion made was by Mr. Hand, ſeconded by Mr. Boyd,

To poſtpone the conſideration of the ſaid amendment in order to add to the ſaid ſection the following words, *viz.* Provided that neither the city of Philadelphia nor any county ſhall be divided in forming ſuch diſtricts.

On the queſtion—" Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"

It was carried in the affirmative,

And the ſixth ſection, with the amendments, adopted as follows, *viz.*

The city of Philadelphia and the ſeveral counties ſhall be formed into diſtricts, containing each, as nearly as may be, ſuch a number of taxable inhabitants as ſhall be entitled to elect one Senator; but where that cannot be done, then ſuch a number of adjoining counties ſhall be formed into one diſtrict as ſhall be entitled to elect not more than Senators; provided that neither the city of Philadelphia nor any county ſhall be divided in forming a diſtrict.

The ſeventh ſection then recurring—

The following motion was made by Mr. Wilſon, ſeconded by Mr. M^cLene, *viz.*

Reſolved, That the Senators be choſen by the citizens qualified to elect Repreſentatives.

The Committee then roſe in order to report further progreſs and aſk leave to ſit again.

Thurſday, December 31, 1789. A. M.

The motion made yeſterday by Mr. Wilſon, ſeconded by Mr. M^cLene, recurring, *viz.*

To poſtpone the conſideration of the ſeventh ſection of the firſt article of the propoſed conſtitution, in order to introduce the following reſolution:—

Reſolved, That the Senators be choſen by the citizens qualified to elect Repreſentatives.

After conſiderable debate thereon,

The Committee roſe in order to report further progreſs and aſk leave to ſit again.

Friday, January 1, 1790. A. M.

Mr. Wilſon's motion of the thirtieth of December, again recurring, *viz.*

That the Senators be choſen by the citizens qualified to elect Repreſentatives.

It was thereupon moved by Mr. Wilſon, ſeconded by Mr. Smilie,

To re-conſider the fifth and ſixth ſections of the firſt article of the propoſed conſtitution, as adopted by this Committee.

After conſiderable debate

The Committee roſe, reported progreſs and obtained leave to ſit again to-morrow.

Saturday,

Saturday, January 2, 1790. A. M.

The motion made yeſterday by Mr. Wilſon, ſeconded by Mr. Smilie,

To-reconſider the fifth and ſixth ſections of the firſt article of the propoſed conſtitution, as adopted by this Committee, again recurring,

On the queſtion—" Will the Committee agree to re-conſider the ſaid fifth and ſixth ſections?"—The Yeas and Nays being called by Mr. Wilſon, were as follow, *viz.*

YEAS.		YEAS.	
1	James Wilſon,	22	Thomas Mawhorter,
2	Hilary Baker,	23	John Arndt,
3	George Gray,	24	Joſeph Powell,
4	William Robinſon, junior,	25	John Piper,
5	Samuel Ogden,	26	William Findley,
6	Thomas Jenks,	27	William Todd,
7	Abraham Stout,	28	Alexander Addiſon,
8	William Gibbons,	29	John Hoge,
9	James Boyd,	30	David Redick,
10	John Hubley,	31	John Smilie,
11	William Reed,	32	Albert Gallatin,
12	Benjamin Pedan,	33	James M'Lene,
13	Matthew Dill,	34	George Matthews,
14	Robert Whitehill,	35	Lindſay Coates,
15	James Power,	36	Jonathan Shoemaker,
16	Joſeph Heiſter,	37	John Gloninger,
17	Chriſtian Lower,	38	William Brown,
18	Abraham Lincoln,	39	Alexander Graydon,
19	Paul Groſcop,	40	Andrew Henderſon,
20	Baltzer Gehr,	41	John Gibſon.
21	Samuel Sitgreaves,		

NAYS.		NAYS.	
1	George Roberts,	13	Henry Slegle,
2	William Lewis,	14	Benjamin Tyſon,
3	Thomas M'Kean,	15	William Irvine,
4	Thomas Miſflin,	16	Charles Smith,
5	Robert Hare,	17	Simon Snyder,
6	Thomas Bull,	18	James Roſs,
7	Thomas Roſs,	19	James Morris,
8	Edward Hand,	20	Samuel Potts,
9	Robert Coleman,	21	Timothy Pickering,
10	Sebaſtian Graff,	22	John Sellers,
11	William Atlee,	23	Henry Hale Graham.
12	Henry Miller,		

So it was carried in the affirmative.

Whereupon,

It was moved by Mr. Wilſon, ſeconded by Mr. Hubley,

To ſubſtitute in lieu of the fifth, ſixth, ſeventh, eighth, ninth, tenth and eleventh ſections of the firſt article of the propoſed conſtitution, the following, *viz.*

V. The

V. The Senators ſhall be choſen for four years by the citizens of the city of Philadelphia and of each county reſpectively, at the ſame places where they ſhall reſpectively vote for Repreſentatives.

VI. The number of Senators ſhall, at the ſeveral periods of making the enumeration mentioned in the fourth ſection, be fixed by the Legiſlature and apportioned between the diſtricts herein after mentioned, and ſhall never be leſs than one-fourth nor more than one-third; and that it ſhall be encreaſed at the time of making each enumeration, except the firſt, in the ſame proportion which the encreaſe of the numbers of taxables ſhall bear to the then number of Senators, until the ſame ſhall amount to

VII. The Senators ſhall be choſen in diſtricts to be formed by the Legiſlature, in ſuch a manner as that the citizens of each diſtrict ſhall be entitled to chooſe and not more than Senators. In forming diſtricts neither the city of Philadelphia nor any county ſhall be divided.

VIII. No perſon ſhall be a Senator who ſhall not have attained to the age of thirty years, and ſhall not have reſided four years next before his election in the ſtate,—the laſt year whereof ſhall have been in the diſtrict for which he ſhall be choſen.

IX. Immediately after the Senators ſhall be aſſembled, in conſequence of the firſt election, they ſhall be divided, as equally as may be, into four claſſes. The ſeats of the Senators of the firſt claſs ſhall be vacated at the expiration of the firſt year; of the ſecond claſs at the expiration of the ſecond year; of the third claſs at the expiration of the third year; and of the fourth claſs at the expiration of the fourth year; ſo that one-fourth may be choſen every year.

X. Until the enumeration before mentioned ſhall be made the number of Senators ſhall be

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them and requeſt leave to ſit again.

Monday, January 4, 1790. A. M.

The fifth ſection of the propoſed ſubſtitutes offered by Mr. Wilſon and ſeconded by Mr. Hubley, recurring—

It was moved by Mr. M'Lene, ſeconded by Mr. Thomas Roſs,

To amend the ſaid ſection ſo as to read as follows, *viz.*

Section V. The Senators ſhall be choſen for four years by the citizens of the city of Philadelphia and of each county reſpectively, at the ſame time, in the ſame manner, and at the ſame places where they ſhall reſpectively vote for Repreſentatives.

A motion was then made by Mr. Lewis, ſeconded by Mr. Ogden,

To poſtpone the conſideration of the ſaid ſection, with the propoſed amendments, in order to introduce the following in lieu thereof, *viz.*

The number of Senators ſhall never be leſs than nor more than and be choſen in diſtricts into which the commonwealth ſhall, from time to time, be divided by the Legiſlature; and the number of Senators aſſigned to each diſtrict ſhall be, as nearly as may be, in the compound ratio of its number of taxable inhabitants and quota of public taxes; provided that no diſtrict ſhall be ſo large as to be entitled to chooſe more than Senators.

On the queſtion—"Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"—The Yeas and Nays being called by Mr. Wilſon, were as follow, *viz.*

YEAS.

1 George Roberts,
2 William Lewis,
3 Thomas M'Kean,
4 George Gray,
5 Robert Hare,
6 Samuel Ogden,
7 Abraham Stout,
8 Thomas Bull,
9 Edward Hand,
10 Robert Coleman,

YEAS.

11 Sebaſtian Graff,
12 William Atlee,
13 Henry Miller,
14 Henry Slegle,
15 Charles Smith,
16 James Roſs,
17 Samuel Potts,
18 Timothy Pickering,
19 John Sellers.

NAYS.

1 James Wilſon,
2 Thomas Mifflin,
3 William Robinſon, junior,
4 Enoch Edwards,
5 Thomas Roſs,
6 James Boyd,
7 John Hubley,
8 William Reed,
9 Matthew Dill,
10 Robert Whitehill,
11 James Power,
12 Joſeph Heiſter,
13 Chriſtian Lower,
14 Abraham Lincoln,
15 Paul Groſcop,
16 Baltzer Gehr,
17 Samuel Sitgreaves,
18 Thomas Mawhorter,
19 John Arndt,

NAYS.

20 Joſeph Powell,
21 John Piper,
22 Simon Snyder,
23 William Findley,
24 William Todd,
25 Alexander Addiſon,
26 John Hoge,
27 David Redick,
28 John Smilie,
29 Albert Gallatin,
30 James M'Lene,
31 George Matthews,
32 Lindſay Coates,
33 John Gloninger,
34 William Brown,
35 Alexander Graydon,
36 Andrew Henderſon,
37 John Gibſon,
38 Thomas Beale.

So it was determined in the negative.

The fifth ſection, as amended by Mr. M'Lene and Mr. Thomas Roſs, recurring,

On the queſtion—"Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Thomas Roſs, were as follow, *viz.*

YEAS.

1 James Wilſon,
2 Hilary Baker,
3 William Robinſon, junior,
4 Enoch Edwards,
5 Thomas Roſs,
6 James Boyd,
7 Sebaſtian Graff,
8 John Hubley,
9 William Reed,
10 Matthew Dill,
11 Robert Whitehill,
12 James Power,
13 Joſeph Heiſter,
14 Chriſtian Lower,
15 Abraham Lincoln,
16 Paul Groſcop,
17 Baltzer Gehr,
18 Samuel Sitgreaves,
19 Thomas Mawhorter,

YEAS.

20 John Arndt,
21 Joſeph Powell,
22 John Piper,
23 William Findley,
24 William Todd,
25 Alexander Addiſon,
26 John Hoge,
27 David Redick,
28 John Smilie,
29 Albert Gallatin,
30 James M'Lene,
31 George Matthews,
32 Lindſay Coates,
33 John Gloninger,
34 William Brown,
35 Alexander Graydon,
36 Andrew Henderſon,
37 John Gibſon,
38 Thomas Beale.

NAYS.	NAYS.
1 George Roberts,	12 William Atlee,
2 William Lewis,	13 Henry Miller,
3 Thomas M'Kean,	14 Henry Slegle,
4 Thomas Mifflin,	15 Benjamin Tyſon,
5 George Gray,	16 William Irvine,
6 Robert Hare,	17 Charles Smith,
7 Samuel Ogden,	18 Simon Snyder,
8 Abraham Stout,	19 James Roſs,
9 Thomas Bull,	20 Samuel Potts,
10 Edward Hand,	21 Timothy Pickering.
11 Robert Coleman,	

So it was carried in the affirmative.

The ſixth ſection propoſed by Mr. Wilſon, ſeconded by Mr. Hubley, thereupon being under the conſideration of the Committee,

It was moved by Mr. Sitgreaves, ſeconded by Mr. Ogden,

To poſtpone the conſideration of the ſaid ſixth ſection in order to amend the ſame ſo as to read as follows, *viz.*

The number of Senators ſhall, at the ſeveral periods of making the enumeration herein before mentioned, be fixed by the Legiſlature and apportioned between the diſtricts formed as herein after directed, in a ratio compounded of the number of taxable inhabitants in, and the quota of the ſtate taxes aſſeſſed upon, each diſtrict, eſtimating the total amount of the ſtate taxation and the whole number of taxable inhabitants as equal to each other. Provided that the number of Senators ſhall never exceed one-third, nor be leſs than one-fourth of the number of Repreſentatives.

Whereupon,

On motion,

The Committee roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and aſk leave to ſit again.

Tueſday, January 5, 1790. A. M.

The motion made yeſterday by Mr. Sitgreaves, ſeconded by Mr. Ogden, recurring,

After conſiderable debate thereon

The Committee roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and aſk leave to ſit again.

Wedneſday, January 6, 1790. A. M.

The motion made on the fourth day of January, inſtant, by Mr. Sitgreaves, ſeconded by Mr. Ogden, again recurring,

After conſiderable debate thereon

The Committee roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and aſk leave to ſit again to-morrow.

Thurſday,

Thurſday, January 7, 1790. A. M.

The motion made on the fourth day of January, inſtant, by Mr. Sitgreaves, ſeconded by Mr. Ogden, again recurring,

After conſiderable debate,

On the queſtion—" Will the Committee agree to the poſtponement?"—The Yeas and Nays being called by Mr. Sitgreaves, were as follow, *viz.*

YEAS.		YEAS.	
1	Hilary Baker,	14	Robert Coleman,
2	George Roberts,	15	Sebaſtian Graff,
3	William Lewis,	16	William Atlee,
4	Thomas M'Kean,	17	John Hubley,
5	George Gray,	18	Henry Miller,
6	William Robinſon, junior,	19	Henry Slegle,
7	Robert Hare,	20	Benjamin Tyſon,
8	Enoch Edwards,	21	Samuel Sitgreaves,
9	Samuel Ogden,	22	Samuel Potts,
10	Thomas Jenks,	23	Jonathan Shoemaker,
11	Abraham Stout,	24	Timothy Pickering,
12	Thomas Bull,	25	John Sellers,
13	Edward Hand,	26	Henry Hale Graham.

NAYS.		NAYS.	
1	James Wilſon,	21	Charles Smith,
2	Thomas Mifflin,	22	Simon Snyder,
3	William Gibbons,	23	William Findley,
4	Thomas Roſs,	24	William Todd,
5	James Boyd,	25	Alexander Addiſon,
6	William Reed,	26	John Hoge,
7	Matthew Dill,	27	David Redick,
8	Robert Whitehill,	28	John Smilie,
9	William Irvine,	29	Albert Gallatin,
10	James Power,	30	James M'Lene,
11	Joſeph Heiſter,	31	George Matthews,
12	Chriſtian Lower,	32	James Morris,
13	Abraham Lincoln,	33	Lindſay Coates,
14	Paul Groſcop,	34	John Gloninger,
15	Baltzer Gehr,	35	William Brown,
16	Thomas Mawhorter,	36	Alexander Graydon,
17	John Arndt,	37	Andrew Henderſon,
18	Peter Rhoads,	38	John Gibſon,
19	Joſeph Powell,	39	Thomas Beale.
20	John Piper,		

So it was determined in the negative.

Whereupon,

On motion,

The Committee roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and aſk leave to ſit again.

Friday,

Friday, January 8, 1790. A. M.

The ſixth ſection of the ſubſtitutes moved by Mr. Wilſon, ſeconded by Mr. M^cLene, recurring, *viz.*

VI. The number of Senators ſhall, at the ſeveral periods of making the enumeration mentioned in the fourth ſection, be fixed by the Legiſlature and apportioned between the diſtricts formed as *herein after mentioned*, and ſhall never be leſs than one-fourth nor more than one-third of the number of *Repreſentatives;* and that it ſhall be encreaſed at the time of making each enumeration, except the firſt, in the ſame proportion which the encreaſe of the number of taxable inhabitants ſhall bear to the then number of Senators.

A motion was made by Mr. Lewis, ſeconded by Mr. Smilie,

To ſtrike out the remainder of the ſaid ſection after the word *Repreſentatives.*

Which was carried in the affirmative.

It was then moved by Mr. Gallatin, ſeconded by Mr. Smilie,

To inſert after the words *herein after mentioned*, the following, viz. *according to the number of taxables in each.*

On the queſtion—" Will the Committee agree to the propoſed amendment?"—The Yeas and Nays being called by Mr. Lewis, were as follow, *viz.*

YEAS.		YEAS.	
1	James Wilſon,	25	John Arndt,
2	Thomas Mifflin,	26	Peter Rhoads,
3	William Gibbons,	27	John Piper,
4	Thomas Roſs,	28	Charles Smith,
5	James Boyd,	29	Simon Snyder,
6	Edward Hand,	30	William Findley,
7	Robert Coleman,	31	William Todd,
8	Sebaſtian Graff,	32	Alexander Addiſon,
9	William Atlee,	33	John Hoge,
10	John Hubley,	34	David Redick,
11	Henry Miller,	35	James Roſs,
12	Henry Slegle,	36	John Smilie,
13	William Reed,	37	Albert Gallatin,
14	Matthew Dill,	38	James M^cLene,
15	Robert Whitehill,	39	George Matthews,
16	William Irvine,	40	James Morris,
17	James Power,	41	Samuel Potts,
18	Joſeph Heiſter,	42	Lindſay Coates,
19	Chriſtian Lower,	43	John Gloninger,
20	Abraham Lincoln,	44	William Brown,
21	Paul Groſcop,	45	Alexander Graydon,
22	Baltzer Gehr,	46	Andrew Henderſon,
23	Samuel Sitgreaves,	47	John Gibſon,
24	Thomas Mawhorter,	48	Thomas Beale.

NAYS.		NAYS.	
1	George Roberts,	7	Thomas Jenks,
2	William Lewis,	8	Benjamin Tyſon,
3	Thomas M^cKean,	9	Timothy Pickering,
4	George Gray,	10	John Sellers,
5	William Robinſon, junior,	11	Henry Hale Graham.
6	Enoch Edwards,		

So it was carried in the affirmative.

It was thereupon ordered, That the remainder of the ſaid ſection be ſtruck out.

A motion was then made by Mr. Gallatin, ſeconded by Mr. Smilie,

To inſert the following words in lieu thereof:

Provided that the number of Senators ſhall never be leſs than thirty after the number of Repreſentatives ſhall have ariſen to one hundred.

On the queſtion—" Will the Committee agree to the amendment?"

It was determined in the negative,

And the ſixth ſection adopted as follows, *viz.*

Section VI. The number of Senators ſhall, at the ſeveral periods of making the enumeration mentioned in the fourth ſection, be fixed by the Legiſlature, and apportioned between the diſtricts formed as herein after mentioned, according to the number of taxable inhabitants in each, and ſhall never be leſs than one-fourth, nor more than one-third of the number of Repreſentatives.

The ſeventh ſection coming under the conſideration of the Committee—

It was moved by Mr. Wilſon, ſeconded by Mr. Hand,

To amend the ſame ſo as to read as follows, *viz.*

The Senators ſhall be choſen from diſtricts to be formed by the Legiſlature in ſuch a manner as that each diſtrict ſhall contain and not more than Senators. In forming diſtricts neither the city of Philadelphia nor any county ſhall be divided.

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Coleman, were as follow, *viz.*

YEAS.		YEAS.	
1	James Wilſon,	14	Sebaſtian Graff,
2	Hilary Baker,	15	William Atlee,
3	George Roberts,	16	John Hubley,
4	William Lewis,	17	Henry Miller,
5	Thomas M'Kean,	18	Henry Slegle,
6	Thomas Miſflin,	19	Benjamin Tyſon,
7	George Gray,	20	James Morris,
8	Robert Hare,	21	Samuel Potts,
9	Enoch Edwards,	22	Jonathan Shoemaker,
10	Thomas Jenks,	23	Alexander Graydon,
11	William Gibbons,	24	Timothy Pickering,
12	Edward Hand,	25	John Sellers.
13	Robert Coleman,	26	Henry Hale Graham.

NAYS.		NAYS.	
1	William Robinſon, junior,	19	Charles Smith,
2	Thomas Roſs,	20	Simon Snyder,
3	James Boyd,	21	William Findley,
4	William Reed,	22	William Todd,
5	Matthew Dill,	23	Alexander Addiſon,
6	Robert Whitehill,	24	John Hoge,
7	William Irvine,	25	David Redick,
8	James Power,	26	James Roſs,
9	Joſeph Heiſter,	27	John Smilie,
10	Chriſtian Lower,	28	Albert Gallatin,
11	Abraham Lincoln,	29	James M'Lene,
12	Paul Groſcop,	30	George Matthews,
13	Baltzer Gehr,	31	Lindſay Coates,
14	Samuel Sitgreaves,	32	John Gloninger,
15	Thomas Mawhorter,	33	William Brown,
16	John Arndt,	34	Andrew Henderſon,
17	Peter Rhoads,	35	John Gibſon,
18	John Piper,	36	Thomas Beale.

So it was determined in the negative.

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and requeſt leave to ſit again.

Saturday, January 9, 1790. A. M.

The ſeventh ſection propoſed by Mr. Wilſon, ſeconded Mr. McLene, recurring, *viz.*

The Senators ſhall be choſen in diſtricts to be formed by the Legiſlature in ſuch a manner as that the citizens of each diſtrict ſhall be entitled to chooſe *and not more than* Senators. In forming diſtricts neither the city of Philadelphia nor any county ſhall be divided.

It was moved by Mr. Robinſon, ſeconded by Mr. Lewis,

To ſtrike out the words *and not more than*, and in lieu thereof to inſert the words *and not more than one-third nor leſs than one-eighth of the whole number of*

On the queſtion—" Will the Committee agree to the amendment?"—The Yeas and Nays being called by Mr. Robinſon, were as follow, *viz.*

YEAS.	YEAS.
1 Hilary Baker,	11 Henry Slegle,
2 George Roberts,	12 Albert Gallatin,
3 William Lewis,	13 James Morris,
4 Thomas McKean,	14 Lindſay Coates,
5 Thomas Mifflin,	15 Jonathan Shoemaker,
6 George Gray,	16 Alexander Graydon,
7 William Robinſon, junior,	17 Timothy Pickering,
8 Robert Hare,	18 John Sellers,
9 Enoch Edwards,	19 Henry Hale Graham.
10 Thomas Jenks,	

NAYS.	NAYS.
1 William Gibbons,	20 Peter Rhoads,
2 Thomas Roſs,	21 John Piper,
3 James Boyd,	22 Charles Smith,
4 Edward Hand,	23 Simon Snyder,
5 Sebaſtian Graff,	24 William Findley,
6 William Atlee,	25 William Todd,
7 John Hubley,	26 Alexander Addiſon,
8 William Reed,	27 John Hoge,
9 Matthew Dill,	28 David Redick,
10 Robert Whitehill,	29 James Roſs,
11 William Irvine,	30 John Smilie,
12 James Power,	31 James McLene,
13 Joſeph Heiſter,	32 George Matthews,
14 Chriſtian Lower,	33 John Gloninger,
15 Abraham Lincoln,	34 William Brown,
16 Paul Groſcop,	35 Andrew Henderſon,
17 Baltzer Gehr,	36 John Gibſon,
18 Samuel Sitgreaves,	37 Thomas Beale.
19 John Arndt,	

So it was determined in the negative.

The original ſection, moved by Mr. Wilſon, ſeconded by Mr. McLene, again recurring—

It

It was moved by Mr. M'Lene, seconded by Mr. Brown,

To fill the first blank with the word *one* and the second with the word *four*.

A motion was then made by Mr. Gallatin, seconded by Mr. Robinson,

To fill the first blank with the word *two*.

Which was determined in the negative.

And the motion made by Mr. M'Lene, seconded by Mr. Brown, adopted.

It was then moved by Mr. James Ross, seconded by Mr. Smith,

To amend the said seventh section so as to read as follows, *viz.*

Section VII. The Senate shall be chosen in districts, to be formed by the Legislature, containing each, as nearly as may be, such a number of taxable inhabitants as shall be entitled to elect one Senator; but where that cannot be done, then such number of adjoining counties shall be formed into one district as shall be entitled to elect not more than four Senators; Provided that neither the city of Philadelphia, nor any county, shall be divided in forming a district.

On the question—" Will the Committee agree to the section as amended?"—The Yeas and Nays being called by Mr. Thomas Ross, were as follow, *viz.*

YEAS.		YEAS.	
1	Thomas Ross,	20	Samuel Sitgreaves,
2	James Boyd,	21	John Arndt,
3	Edward Hand,	22	Peter Rhoads,
4	Robert Coleman,	23	John Piper,
5	Sebastian Graff,	24	Charles Smith,
6	William Atlee,	25	Simon Snyder,
7	John Hubley,	26	William Findley,
8	Henry Slegle,	27	William Todd,
9	William Reed,	28	Alexander Addison,
10	Benjamin Tyson,	29	John Hoge,
11	Matthew Dill,	30	James Ross,
12	Robert Whitehill,	31	John Smilie,
13	William Irvine,	32	James M'Lene,
14	James Power,	33	George Matthews,
15	Joseph Heister,	34	John Gloninger,
16	Christian Lower,	35	William Brown,
17	Abraham Lincoln,	36	John Gibson,
18	Paul Groscop,	37	Thomas Beale.
19	Baltzer Gehr,		

NAYS.		NAYS.	
1	Hilary Baker,	11	Albert Gallatin,
2	George Roberts,	12	James Morris,
3	William Lewis,	13	Lindsay Coates,
4	Thomas M'Kean,	14	Jonathan Shoemaker,
5	Thomas Mifflin,	15	Alexander Graydon,
6	George Gray,	16	Timothy Pickering,
7	William Robinson, junior,	17	Andrew Henderson,
8	Robert Hare,	18	John Sellers,
9	Thomas Jenks,	19	Henry Hale Graham.
10	William Gibbons,		

So it was determined in the affirmative,

And the seventh section, as amended, adopted.

The eighth section, proposed by Mr. Wilson and seconded by Mr. M'Lene, coming under the consideration of the Committee, *viz.*

No

No perſon ſhall be a Senator who ſhall not have attained to the age of *thirty* years, and who ſhall not have reſided four years next before his election in the ſtate,—the laſt year whereof ſhall have been in the diſtrict for which he ſhall be choſen.

It was moved by Mr. Smilie, ſeconded by Mr. Hand,

To ſtrike out the word *thirty* and in lieu thereof to inſert the words *twenty-one.*

A motion was then made by Mr. Hand, ſeconded by Mr. Smith,

To inſert the words *twenty-five.*

Which was carried in the affirmative.

It was thereupon moved by Mr. Hare, ſeconded by Mr. Graydon,

To amend the ſaid ſection ſo as to read as follows, *viz.*

No perſon ſhall be a Senator who ſhall not have attained to the age of twenty-five years, and who ſhall not have reſided four years in the ſtate within ſeven years next before his election.

Which was determined in the negative.

It was then moved by Mr. Henderſon, ſeconded by Mr. Piper,

To amend the ſaid ſection ſo as to read as follows, *viz.*

No perſon ſhall be a Senator who ſhall not have attained to the age of twenty-five years, and have been four years a citizen of this ſtate and have reſided four years next before his election in the United States,—the laſt year whereof ſhall have been within the diſtrict for which he ſhall be choſen.

Which was determined in the negative.

A motion was then made by Mr. Smith, ſeconded by Mr. Thomas Roſs,

To amend the eighth ſection ſo as to read as follows, *viz.*

No perſon ſhall be a Senator who ſhall not have attained to the age of twenty-five years, and have been a citizen of this ſtate four years next before his election,—the laſt year whereof he ſhall have been reſident in the diſtrict for which he ſhall be choſen.

Which was determined in the negative,

And the eighth ſection, as amended, adopted as follows, *viz.*

Section VIII. No perſon ſhall be a Senator who ſhall not have attained to the age of twenty-five years, and who ſhall not have been a citizen and inhabitant of the ſtate four years next before his election; the laſt year whereof ſhall have been in the diſtrict for which he ſhall be choſen.

The ninth ſection propoſed by Mr. Wilſon coming under the conſideration of the Committee, the ſame was adopted as follows, *viz.*

Section IX. Immediately after the Senators ſhall be aſſembled in conſequence of the firſt election, they ſhall be divided, by lot, as equally as may be, into four claſſes. The ſeats of the Senators of the firſt claſs ſhall be vacated at the expiration of the firſt year; of the ſecond claſs at the expiration of the ſecond year; of the third claſs at the expiration of the third year; and of the fourth claſs at the expiration of the fourth year; ſo that one fourth may be choſen every year.

The tenth ſection propoſed by Mr. Wilſon coming under the conſideration of the Committee, *viz.*

Until the enumeration before mentioned ſhall be made the number of Senators ſhall be

It was moved by Mr. Sitgreaves, ſeconded by Mr. Addiſon,

To fill the blank with the words *twenty-three.*

Whereupon,

On motion,

Ordered, That the further conſideration of the ſaid tenth ſection be poſtponed.

The thirteenth ſection of the conſtitution reported by the committee of nine coming under the conſideration of this Committee, *viz.*

The General Aſſembly ſhall meet at leaſt once in every year, and ſuch meeting ſhall be on the *Tueſday of November.*

It was moved by Mr. Findley, ſeconded by Mr. Smith,

To ſtrike out the words *Tueſday of November*, and to inſert the words *firſt Tueſday of December.*

Which was carried in the affirmative.

A motion was then made by Mr. Lewis, ſeconded by Mr. Thomas Roſs,

To add the following words, viz. *Until the ſame ſhall be altered by the Legiſlature.*

Which was determined in the negative.

And the ſaid ſection was adopted by this Committee as the eleventh ſection of the firſt article of the ſaid propoſed conſtitution, as follows, *viz.*

Section XI. The General Aſſembly ſhall meet at leaſt once in every year; and ſuch meeting ſhall be on the firſt Tueſday of December.

The fourteenth ſection of the firſt article of the ſaid propoſed conſtitution coming under conſideration, the ſame was adopted as the twelfth ſection, as follows, *viz.*

Section XII. Each houſe ſhall chooſe its Speaker and other officers; and the Senate ſhall alſo chooſe a Speaker *pro tempore*, when the Speaker ſhall exerciſe the office of Governor.

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and aſk leave to ſit again.

Monday, January 11, 1790. A. M.

The fifteenth ſection of the propoſed conſtitution, as reported by the committee of nine, being under the conſideration of this Committee,

It was moved by Mr. Lewis, ſeconded by Mr. M'Lene,

To amend the ſame ſo as to read as follows, *viz.*

Section XIII. Each houſe ſhall be the judge of the qualifications of its own members, but in caſe of conteſted elections the ſame ſhall be judged of and determined by a committee, to be ſelected from the houſe in ſuch manner as ſhall be, by law, directed: And a majority of each houſe ſhall conſtitute a quorum to do buſineſs; but a ſmaller number may adjourn from day to day, and may be authoriſed to compel the attendance of abſent members in ſuch manner, and under ſuch penalties, as the houſe may provide.

On the queſtion—" Will the Committee agree to the ſaid amendment?"

It was carried in the affirmative,

And the ſaid ſection adopted as the thirteenth ſection of the firſt article of the ſaid propoſed conſtitution.

The ſixteenth ſection of the firſt article of the propoſed conſtitution, as reported by the committee of nine, coming under the conſideration of this Committee, *viz.*

Each houſe may determine the rules of its proceedings, puniſh its members for diſorderly behaviour, *and, with the concurrence of two-thirds, expel a member;* and ſhall have all other powers neceſſary for either branch of a free Legiſlature.

It

It was moved by Mr. Gallatin, ſeconded by Mr. Smilie,

To ſtrike out the words *and, with the concurrence of two-thirds, expel a member*, and in lieu thereof to inſert the following words, viz. *either by cenſure or expulſion; provided that no member be expelled without the concurrence of two-thirds.*

Whereupon,

On motion of Mr. Smilie, ſeconded by Mr. Findley,

Ordered, That the further conſideration of the ſaid ſection, together with the propoſed amendment, be poſtponed.

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and aſk leave to ſit again to-morrow.

Tueſday, January 12, 1790. A. M.

The ſixteenth ſection of the conſtitution reported by the committee of nine, together with the amendment propoſed by Mr. Gallatin, ſeconded by Mr. Smilie, recurring.

It was moved by Mr. M'Lene, ſeconded by Mr. Gallatin,

To inſert after the words " expel a member," *but not a ſecond time for the ſame cauſe.*

Which was carried in the affirmative.

The ſection, with the amendment propoſed yeſterday, then recurring,

A diviſion of the queſtion on the amendment was called for and agreed to—

Whereupon,

On the queſtion—" Will the Committee agree to the firſt part of the amendment propoſed by Mr. Gallatin and Mr. Smilie, viz. *either by cenſure or expulſion?*"—The Yeas and Nays being called by Mr. Gallatin, were as follow, *viz.*

YEAS.		YEAS.	
1	Enoch Edwards,	9	William Todd,
2	James Boyd,	10	Alexander Addiſon,
3	Robert Whitehill,	11	John Hoge,
4	James Power,	12	John Smilie,
5	Abraham Lincoln,	13	Albert Gallatin,
6	Joſeph Powell,	14	James M'Lene,
7	John Piper,	15	George Matthews,
8	William Findley,	16	John Gloninger.

NAYS.		NAYS.	
1	James Wilſon,	14	Robert Coleman,
2	Hilary Baker,	15	Sebaſtian Graff,
3	George Roberts,	16	William Atlee,
4	William Lewis,	17	John Hubley,
5	Thomas M'Kean,	18	John Breckbill,
6	Thomas Mifflin,	19	Henry Miller,
7	George Gray,	20	Henry Slegle,
8	William Robinſon, junior,	21	William Reed,
9	Robert Hare,	22	Benjamin Tyſon,
10	Abraham Stout,	23	Matthew Dill,
11	William Gibbons,	24	William Irvine,
12	Thomas Roſs,	25	Joſeph Heiſter,
13	Edward Hand,	26	Chriſtian Lower,

NAYS.	NAYS.
27 Paul Groſcop,	37 Lindſay Coates,
28 Baltzer Gehr,	38 Jonathan Shoemaker,
29 Samuel Sitgreaves,	39 William Brown,
30 John Arndt,	40 Alexander Graydon,
31 Peter Rhoads,	41 Timothy Pickering,
32 Charles Smith,	42 Andrew Henderſon,
33 Simon Snyder,	43 John Gibſon,
34 David Redick,	44 John Sellers,
35 James Roſs,	45 Henry Hale Graham.
36 James Morris,	

So it was determined in the negative.

The original ſection reported by the committee of nine then recurring, as amended,

It was moved by Mr. Sitgreaves, ſeconded by Mr. Lewis,

To inſert after the word *members* the words following, viz. *and others for breach of privilege or*

On the queſtion—" Will the Committee agree to the amendment?"

It was determined in the negative.

A motion was then made by Mr. Findley, ſeconded by Mr. Whitehill,

To ſtrike out the words *puniſh its members for diſorderly behaviour.*

Which was determined in the negative.

It was moved by Mr. Hare, ſeconded by Mr. Wilſon,

To amend the ſaid ſection ſo as to read as follows, *viz.*

Section XIV. Each Houſe may determine the rules of its proceedings, puniſh its members for diſorderly behaviour, and, with the concurrence of two-thirds, expel a member, but not a ſecond time for the ſame cauſe, and ſhall have all other powers neceſſary for either branch of the Legiſlature of a free ſtate.

Which was carried in the affirmative.

On the queſtion—" Will the Committee adopt the ſame as the fourteenth ſection of the firſt article of the propoſed conſtitution?"—The Yeas and Nays being called by Mr. Smilie, were as follow, *viz.*

YEAS.	YEAS.
1 James Wilſon,	19 John Hubley,
2 Hilary Baker,	20 John Breckbill,
3 George Roberts,	21 Henry Miller,
4 William Lewis,	22 Henry Slegle,
5 Thomas M'Kean,	23 William Reed,
6 Thomas Mifflin,	24 Benjamin Tyſon,
7 George Gray,	25 Matthew Dill,
8 William Robinſon, junior,	26 William Irvine,
9 Robert Hare,	27 Joſeph Heiſter,
10 Enoch Edwards,	28 Chriſtian Lower,
11 Abraham Stout,	29 Abraham Lincoln,
12 William Gibbons,	30 Paul Groſcop,
13 Thomas Roſs,	31 Baltzer Gehr,
14 James Boyd,	32 John Arndt,
15 Edward Hand,	33 Peter Rhoads,
16 Robert Coleman,	34 Joſeph Powell,
17 Sebaſtian Graff,	35 Charles Smith,
18 William Atlee,	36 Simon Snyder,

YEAS.

YEAS.

37 William Todd,
38 Alexander Addiſon,
39 John Hoge,
40 David Redick,
41 James Roſs,
42 James Morris,
43 Lindſay Coates,
44 Jonathan Shoemaker,

YEAS.

45 John Gloninger,
46 William Brown,
47 Alexander Graydon,
48 Timothy Pickering,
49 Andrew Henderſon,
50 John Gibſon,
51 John Sellers,
52 Henry Hale Graham.

NAYS.

1 Robert Whitehill,
2 James Power,
3 Samuel Sitgreaves,
4 John Piper,
5 William Findley,

NAYS.

6 John Smilie,
7 Albert Gallatin,
8 James M^cLene,
9 George Matthews,

So it was carried in the affirmative.

The ſeventeenth ſection of the firſt article of the propoſed conſtitution, as reported by the committee of nine, being under the conſideration of this Committee, *viz.*

Each houſe ſhall keep a journal of its proceedings, and, from time to time, publiſh them, excepting ſuch parts as may, in their judgment, require ſecrecy: And the Yeas and Nays of the members of either houſe, on any queſtion, ſhall, at the deſire of be entered on the journal.

It was moved by Mr. Sitgreaves, ſeconded by Mr. Boyd,

To fill the blank with the words *any five of them in the Repreſentatives and two in the Senate.*

Which was determined in the negative.

A motion was then made by Mr. Lewis, ſeconded by Mr. Whitehill,

To fill the blank with the words *any two of them.*

On the queſtion—" Will the Committee agree to the ſame?"

It was carried in the affirmative.

It was moved by Mr. Addiſon, ſeconded by Mr. Hoge,

To ſtrike out the word *their*, and in lieu thereof to inſert the word *the*, and after the word *judgment*, to inſert the words *of both.*

Which was determined in the negative.

A motion was then made by Mr. M^cLene, ſeconded by Mr. Smilie,

To add the following words to the ſaid ſection, viz. *with their reaſons at large.*

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Wilſon, were as follow, *viz.*

YEAS.

1 William Lewis,
2 Enoch Edwards,
3 Robert Whitehill,
4 Chriſtian Lower,
5 Abraham Lincoln,
6 Paul Groſcop,
7 Joſeph Powell,

YEAS.

8 John Piper,
9 William Findley,
10 William Todd,
11 John Smilie,
12 Albert Gallatin,
13 James M^cLene,
14 George Matthews,

NAYS.

NAYS.	NAYS.
1 James Wilſon,	24 William Irvine,
2 Hilary Baker,	25 James Power,
3 George Roberts,	26 Baltzer Gehr,
4 Thomas M'Kean,	27 Samuel Sitgreaves,
5 Thomas Mifflin,	28 John Arndt,
6 George Gray,	29 Peter Rhoads,
7 William Robinſon, junior,	30 Charles Smith,
8 Robert Hare,	31 Simon Snyder,
9 Abraham Stout,	32 Alexander Addiſon,
10 William Gibbons,	33 John Hoge,
11 Thomas Roſs,	34 David Redick,
12 James Boyd,	35 James Roſs,
13 Edward Hand,	36 James Morris,
14 Robert Coleman,	37 Lindſay Coates,
15 Sebaſtian Graff,	38 Jonathan Shoemaker,
16 William Atlee,	39 John Gloninger,
17 John Hubley,	40 William Brown,
18 John Breckbill,	41 Alexander Graydon,
19 Henry Miller,	42 Timothy Pickering,
20 Henry Slegle,	43 Andrew Henderſon,
21 William Reed,	44 John Gibſon,
22 Benjamin Tyſon,	45 John Sellers.
23 Matthew Dill,	46 Henry Hale Graham.

So it was determined in the negative.

It was moved by Mr. Edwards, ſeconded by Mr. Smilie,

To ſtrike out the words *from time to time*, and in lieu thereof to inſert the word *and*, and to inſert after the words *publiſh them* the word *weekly*.

Which was determined in the affirmative.

The ſeventeenth ſection, as reported by the committee of nine, was then adopted as the fifteenth ſection of the firſt article of the propoſed conſtitution, as follows, *viz.*

Section XV. Each Houſe ſhall keep a journal of its proceedings, and publiſh them weekly, excepting ſuch parts as may, in their judgment, require ſecrecy: And the Yeas and Nays of the members of either houſe, on any queſtion, ſhall, at the deſire of any two of them, be entered on the journal.

The eighteenth ſection, reported by the committee of nine, coming under the conſideration of this Committee, the ſame was adopted as the ſixteenth ſection of the firſt article of the ſaid propoſed conſtiution, as follows, *viz.*

Section XVI. The doors of each Houſe ſhall be open, unleſs when the buſineſs ſhall be ſuch as, in their judgment, ought to be kept ſecret.

The nineteenth ſection of the firſt article of the propoſed conſtitution, reported by the committee of nine, being under the conſideration of this Committee, the ſame was adopted as the ſeventeenth ſection of the ſaid firſt article, as follows, *viz.*

Section XVII. Neither Houſe ſhall, without the conſent of the other, adjourn for more than three days, nor to any other place than that in which the two Houſes ſhall be ſitting.

The twentieth ſection of the firſt article of the ſaid propoſed conſtitution being under conſideration, the ſame was adopted as the eighteenth ſection of the ſaid article, *viz.*

Section XVIII. The Senators and Repreſentatives ſhall receive a compenſation for their ſervices, to be aſcertained by law, and paid out of the treaſury of the commonwealth. They ſhall, in all caſes, except treaſon, felony and breach of the peace, be privileged

privileged from arreſt, during their attendance at the ſeſſion of the reſpective Houſes, and in going to and returning from the ſame; and for any ſpeech or debate in either houſe they ſhall not be queſtioned in any other place.

The twenty-firſt ſection reported by the committee of nine being then under conſideration,

It was moved by Mr. James Roſs, ſeconded by Mr. Findley,

To amend the ſaid ſection ſo as to read as follows, *viz.*

Section XIX. No Senator or Repreſentative ſhall, during the time for which he was elected, be appointed to any civil office, under the authority of this commonwealth, which ſhall have been created, or the emoluments of which ſhall have been encreaſed during ſuch time: And no member of Congreſs, or other perſon, holding any office, except in the militia, under this commonwealth or the United States, ſhall be a member of either houſe during his continuance in Congreſs or in office.

On the queſtion—" Will the Committee agree to the amendment?"

It was carried in the affirmative,

And, with the amendment, adopted as the nineteenth ſection of the firſt article of the ſaid propoſed conſtitution.

The twenty-ſecond ſection of the ſaid firſt article, reported by the committee of nine, coming under the conſideration of this Committee, the ſame was adopted as the twentieth ſection of the ſaid article, *viz.*

Section XX. When vacancies happen in either houſe the Speaker of that houſe ſhall iſſue writs of election to fill ſuch vacancies.

It was then moved by Mr. Sitgreaves, ſeconded by Mr. Edwards,

To re-conſider the eighteenth ſection of the firſt article adopted by this Committee, in order to introduce the following amendment: to inſert after the words *and paid* the following, viz. *to the Repreſentatives out of the treaſury of the city or proper county, and to the Senators by a rateable contribution from the treaſuries of the counties which form the diſtricts by which they are reſpectively choſen, except the travelling charges which ſhall be paid.*

On the queſtion—" Will the Committee agree to re-conſider for the aforeſaid purpoſe?"—The Yeas and Nays being called by Mr. Sitgreaves, were as follow, *viz.*

YEAS.	YEAS.
1 George Roberts,	9 John Arndt,
2 George Gray,	10 James Morris,
3 Robert Hare,	11 Jonathan Shoemaker,
4 Enoch Edwards,	12 John Gloninger,
5 Abraham Stout,	13 William Brown,
6 Sebaſtian Graff,	14 John Sellers,
7 John Breckbill,	15 Henry Hale Graham.
8 Samuel Sitgreaves,	

NAYS.	NAYS.
1 James Wilſon,	11 Robert Coleman,
2 Hilary Baker,	12 William Atlee,
3 William Lewis,	13 John Hubley,
4 Thomas M'Kean,	14 Henry Miller,
5 Thomas Mifflin,	15 Henry Slegle,
6 William Robinſon, junior,	16 William Reed,
7 William Gibbons,	17 Benjamin Tyſon,
8 Thomas Roſs,	18 Matthew Dill,
9 James Boyd,	19 Robert Whitehill,
10 Edward Hand,	20 William Irvine,

NAYS.		NAYS.	
21	James Power,	34	Alexander Addiſon,
22	Joſeph Heiſter,	35	John Hoge,
23	Chriſtian Lower,	36	David Redick,
24	Abraham Lincoln,	37	James Roſs,
25	Paul Groſcop,	38	John Smilie,
26	Baltzer Gehr,	39	Albert Gallatin,
27	Peter Rhoads,	40	James M^cLene,
28	Joſeph Powell,	41	George Matthews,
29	John Piper,	42	Lindſay Coates,
30	Charles Smith,	43	Alexander Graydon,
31	Simon Snyder,	44	Timothy Pickering,
32	William Findley,	45	Andrew Henderſon,
33	William Todd,	46	John Gibſon.

So it was determined in the negative.

The twenty-third ſection of the firſt article of the ſaid propoſed conſtitution being under the conſideration of this Committee, *viz.*

Section XXI. All bills for raiſing revenue ſhall originate in the houſe of Repreſentatives; but the Senate may propoſe or concur with amendments, as in other bills.

On the queſtion—" Will the Committee adopt the ſame as the twenty-firſt ſection of the ſaid article?"—The Yeas and Nays being called by Mr. Edwards, were as follow, *viz.*

YEAS.		YEAS.	
1	James Wilſon,	27	Paul Groſcop,
2	George Roberts,	28	Baltzer Gehr,
3	Thomas M^cKean,	29	Samuel Sitgreaves,
4	George Gray,	30	John Arndt,
5	Robert Hare,	31	Peter Rhoads,
6	Abraham Stout,	32	Joſeph Powell,
7	William Gibbons,	33	John Piper,
8	Thomas Roſs,	34	Charles Smith,
9	James Boyd,	35	Simon Snyder,
10	Edward Hand,	36	William Findley,
11	Robert Coleman,	37	William Todd,
12	Sebaſtian Graff,	38	Alexander Addiſon,
13	William Atlee,	39	John Hoge,
14	John Hubley,	40	David Redick,
15	John Breckbill,	41	James Roſs,
16	Henry Miller,	42	John Smilie,
17	Henry Slegle,	43	James M^cLene,
18	William Reed,	44	George Matthews,
19	Benjamin Tyſon,	45	James Morris,
20	Matthew Dill,	46	John Gloninger,
21	Robert Whitehill,	47	William Brown,
22	William Irvine,	48	Alexander Graydon,
23	James Power,	49	Andrew Henderſon,
24	Joſeph Heiſter,	50	John Gibſon,
25	Chriſtian Lower,	51	John Sellers,
26	Abraham Lincoln,	52	Henry Hale Graham.

NAYS.		NAYS.	
1	Hilary Baker,	5	Albert Gallatin,
2	Thomas Mifflin,	6	Lindſay Coates,
3	William Robinſon, junior,	7	Jonathan Shoemaker,
4	Enoch Edwards,	8	Timothy Pickering.

So

So it was determined in the affirmative.

The twenty-fourth ſection of the firſt article of the ſaid propoſed conſtitution being under conſideration, the ſame was adopted as the twenty-ſecond ſection of the ſaid article, *viz.*

Section XXII. No money ſhall be drawn from the treaſury, but in conſequence of appropriations made by law.

The Committee then roſe in order to report further progreſs in the buſineſs referred to them, and requeſt leave to ſit again.

Wedneſday, January 13, 1790. A. M.

The twenty-fifth ſection of the firſt article of the propoſed conſtitution, reported by the committee of nine, being under the conſideration of this Committee—

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Hoge,

To ſtrike out the words *three fifths*, and in lieu thereof to inſert, in the reſpective places, the words *a majority of the whole number*.

It was then moved by Mr. Findley, ſeconded by Mr. Gallatin,

To adjourn the debates on the twenty-fifth ſection now under conſideration, as well as the twenty-ſixth ſection of the ſame article, in order to take into conſideration the ſecond article of the ſaid propoſed conſtitution.

Which was carried in the affirmative,

And thereupon,

The firſt ſection of the ſecond article of the ſaid propoſed conſtitution being under conſideration, *viz.*

The Supreme Executive Power of this commonwealth ſhall be veſted in a *Governor*.

It was moved by Mr. Findley, ſeconded by Mr. Addiſon,

To add after the word *Governor* the words *and Council*.

On the queſtion—" Will the Committee agree to the amendment?"—The Yeas and Nays being called by Mr. Thomas Roſs, were as follow, *viz.*

YEAS.		YEAS.	
1	James Boyd,	11	William Todd,
2	Robert Whitehill,	12	Alexander Addiſon,
3	James Power,	13	John Hoge,
4	Joſeph Heiſter,	14	David Redick,
5	Chriſtian Lower,	15	James Roſs,
6	Abraham Lincoln,	16	John Smilie,
7	Baltzer Gehr,	17	Albert Gallatin,
8	Joſeph Powell,	18	James M'Lene,
9	John Piper,	19	George Matthews,
10	William Findley,	20	Thomas Beale.

NAYS.		NAYS.	
1	James Wilſon,	8	William Robinſon, junior,
2	Hilary Baker,	9	Robert Hare,
3	George Roberts,	10	Enoch Edwards,
4	William Lewis,	11	John Barclay,
5	Thomas M'Kean,	12	Abraham Stout,
6	Thomas Mifflin,	13	William Gibbons,
7	George Gray,	14	Thomas Roſs,

NAYS.	NAYS.
15 Edward Hand,	29 Samuel Sitgreaves,
16 Robert Coleman,	30 John Arndt,
17 Sebaſtian Graff,	31 Charles Smith,
18 William Atlee,	32 Simon Snyder,
19 John Hubley,	33 James Morris,
20 John Breckbill,	34 Lindſay Coates,
21 Henry Miller,	35 Jonathan Shoemaker,
22 Henry Slegle,	36 John Gloninger,
23 William Reed,	37 William Brown,
24 Benjamin Tyſon,	38 Alexander Graydon,
25 Benjamin Pedan,	39 Timothy Pickering,
26 Matthew Dill,	40 Andrew Henderſon,
27 William Irvine,	41 John Gibſon,
28 Paul Groſcop,	42 John Sellers.

So it was determined in the negative.

And the original ſection adopted as follows, *viz.*

Section I. The Supreme Executive Power of this commonwealth ſhall be veſted in a Governor.

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and requeſt leave to ſit again.

Thurſday, January 14, 1790. A. M.

The ſecond ſection of the ſecond article of the propoſed conſtitution being under the conſideration of this Committee,

It was moved by Mr. Addiſon, ſeconded by Mr. Matthews,

To poſtpone the conſideration of the ſaid ſection in order to reſume the conſideration of the tenth ſection, propoſed by Mr. Wilſon, ſeconded by Mr. M^cLene, and poſtponed on the ninth day of January, inſtant,

Which was carried in the affirmative,

And the ſaid tenth ſection being then under the conſideration of this Committee, *viz.* " Until the enumeration before-mentioned ſhall be made the number of Senators ſhall be " as well as the motion made by Mr. Sitgreaves, ſeconded by Mr. Addiſon, to fill the blank with the words *twenty-three*,

It was then moved by Mr. Wilſon, ſeconded by Mr. Tyſon,

To fill the blank with the word *eighteen*.

A motion was made by Mr. Lewis, ſeconded by Mr. Wilſon,

To adjourn the debates on the ſeveral amendments propoſed to the ſaid tenth ſection in order to re-conſider the fourth ſection of the firſt article of the ſaid propoſed conſtitution,

Whereupon,

On motion of Mr. James Roſs, ſeconded by Mr. Addiſon,

To reſume the conſideration of the twenty-fifth ſection of the firſt article of the propoſed conſtitution, with the amendments poſtponed yeſterday,

It was determined in the affirmative,

And the ſaid twenty-fifth ſection being under conſideration—

The motion made by Mr. Sitgreaves, ſeconded by Mr. Hoge, recurring, *viz.*

To

To ſtrike out the words *three-fifths*, and in lieu thereof to inſert, in their reſpective places, the words *a majority of the whole number*.

On the queſtion—" Will the Committee agree to the ſaid amendment?"—The Yeas and Nays being called by Mr. Sitgreaves, were as follow, *viz.*

YEAS.		YEAS.	
1	Robert Whitehill,	7	John Piper,
2	James Power,	8	William Todd,
3	Chriſtian Lower,	9	Alexander Addiſon,
4	Abraham Lincoln,	10	John Hoge,
5	Paul Groſcop,	11	John Smilie,
6	Samuel Sitgreaves,	12	George Matthews.

NAYS.		NAYS.	
1	James Wilſon,	26	Benjamin Tyſon,
2	Hilary Baker,	27	Matthew Dill,
3	George Roberts,	28	William Irvine,
4	William Lewis,	29	Baltzer Gehr,
5	Thomas M'Kean,	30	John Arndt,
6	Thomas Mifflin,	31	Peter Rhoads,
7	George Gray,	32	Joſeph Powell,
8	William Robinſon, junior,	33	Charles Smith,
9	Robert Hare,	34	Simon Snyder,
10	Enoch Edwards,	35	William Findley,
11	Thomas Jenks,	36	David Redick,
12	John Barclay,	37	James Roſs,
13	Abraham Stout,	38	Albert Gallatin,
14	William Gibbons,	39	James M'Lene,
15	Thomas Roſs,	40	James Morris,
16	James Boyd,	41	Lindſay Coates,
17	Edward Hand,	42	Jonathan Shoemaker,
18	Robert Coleman,	43	John Gloninger,
19	Sebaſtian Graff,	44	Alexander Graydon,
20	William Atlee,	45	Timothy Pickering,
21	John Hubley,	46	Andrew Henderſon,
22	John Breckbill,	47	John Gibſon,
23	Henry Miller,	48	Thomas Beale,
24	Henry Slegle,	49	John Sellers,
25	William Reed,	50	Henry Hale Graham.

So it was determined in the negative.

It was then moved by Mr. Wilſon, ſeconded by Mr. James Roſs,

To ſtrike out the words *three-fifths*, and in lieu thereof to inſert, in the reſpective places, the words *two-thirds*.

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Wilſon, were as follow, *viz.*

YEAS.		YEAS.	
1	James Wilſon,	8	William Robinſon, junior,
2	Hilary Baker,	9	Robert Hare,
3	George Roberts,	10	Enoch Edwards,
4	William Lewis,	11	Thomas Jenks,
5	Thomas M'Kean,	12	John Barclay,
6	Thomas Mifflin,	13	Abraham Stout,
7	George Gray,	14	William Gibbons,

YEAS.

YEAS.		YEAS.	
15	Thomas Rofs,	27	John Arndt,
16	Edward Hand,	28	Peter Rhoads,
17	Robert Coleman,	29	John Piper,
18	Sebaſtian Graff,	30	Simon Snyder,
19	William Atlee,	31	James Rofs,
20	John Hubley,	32	Albert Gallatin,
21	John Breckbill,	33	James Morris,
22	Henry Miller,	34	Lindſay Coates,
23	Henry Slegle,	35	Timothy Pickering,
24	Benjamin Tyſon,	36	John Gibſon,
25	Benjamin Pedan,	37	John Sellers,
26	Samuel Sitgreaves,	38	Henry Hale Graham.

NAYS.		NAYS.	
1	James Boyd,	14	William Todd,
2	William Reed,	15	Alexander Addiſon,
3	Matthew Dill,	16	John Hoge,
4	Robert Whitehill,	17	David Redick,
5	William Irvine,	18	John Smilie,
6	James Power,	19	James M^cLene,
7	Chriſtian Lower,	20	George Matthews,
8	Abraham Lincoln,	21	Jonathan Shoemaker,
9	Paul Groſcop,	22	John Gloninger,
10	Baltzer Gehr,	23	Alexander Graydon,
11	Joſeph Powell,	24	Andrew Henderſon,
12	Charles Smith,	25	Thomas Beale.
13	William Findley,		

So it was determined in the affirmative,

And the amendment adopted.

A motion was then made by Mr. Lewis, ſeconded by Mr. Edwards,

To ſtrike out the word *not* before the words *be a law*, and to add the following, viz. *unleſs ſent back within three days after their next meeting.*

Which was carried in the affirmative,

And the ſaid twenty-fifth ſection, with the ſeveral amendments, adopted as the twenty-third ſection of the ſaid propoſed conſtitution, as follows, *viz.*

Section XXIII. Every Bill, which ſhall have paſſed the Houſe of Repreſentatives and the Senate, ſhall, before it become a law, be preſented to the Governor. If he approve, he ſhall ſign it; but if he ſhall not approve it, he ſhall return it, with his objections, to that houſe in which it ſhall have originated, who ſhall enter the objections at large upon their journal, and proceed to re-conſider it. If, after ſuch re-conſideration, two-thirds of that houſe ſhall agree to paſs the bill, it ſhall be ſent, together with the objections, to the other houſe, by which it ſhall likewiſe be re-conſidered, and if approved by two-thirds of that houſe, it ſhall become a law. But in all ſuch caſes, the votes of both houſes ſhall be determined by Yeas and Nays, and the names of the perſons voting for and againſt the bill ſhall be entered on the journals of each houſe reſpectively. If any bill ſhall not be returned by the Governor within ten days (Sundays excepted) after it ſhall be preſented to him; the ſame ſhall be a law in like manner as if he had ſigned it, unleſs the General Aſſembly, by their adjournment, prevent its return, in which caſe it ſhall be a law, unleſs ſent back within three days after their next meeting.

The twenty-ſixth ſection of the firſt article of the propoſed conſtitution being under conſideration,

It

It was unanimouſly agreed to ſtrike out the words *three-fifths*, and in lieu thereof to inſert *two-thirds*.

On the queſtion—" Will the Committee adopt the ſaid ſection, as amended, as the twenty-fourth ſection of the firſt article of the ſaid propoſed conſtitution?"—The Yeas and Nays being called by Mr. Shoemaker, were as follow, *viz.*

YEAS.		YEAS.	
1	Hilary Baker,	19	Henry Slegle,
2	William Lewis,	20	William Reed,
3	Thomas M'Kean,	21	Benjamin Tyſon,
4	Thomas Mifflin,	22	Benjamin Pedan,
5	George Gray,	23	Matthew Dill,
6	William Robinſon, junior,	24	Samuel Sitgreaves,
7	Robert Hare,	25	John Arndt,
8	Thomas Jenks,	26	Peter Rhoads,
9	John Barclay,	27	Simon Snyder,
10	Abraham Stout,	28	John Hoge,
11	William Gibbons,	29	David Redick,
12	James Boyd,	30	James Roſs,
13	Edward Hand,	31	Timothy Pickering,
14	Robert Coleman,	32	Andrew Henderſon,
15	Sebaſtian Graff,	33	John Gibſon,
16	William Atlee,	34	John Sellers,
17	John Hubley,	35	Henry Hale Graham.
18	Henry Miller,		

HISTORICAL DUPLICATES SOLD.

NAYS.		NAYS.	
1	James Wilſon,	15	Charles Smith,
2	George Roberts,	16	William Findley,
3	Enoch Edwards,	17	William Todd,
4	Thomas Roſs,	18	Alexander Addiſon,
5	John Breckbill,	19	John Smilie,
6	Robert Whitehill,	20	Albert Gallatin,
7	William Irvine,	21	James M'Lene,
8	James Power,	22	George Matthews,
9	Joſeph Heiſter,	23	James Morris,
10	Chriſtian Lower,	24	Lindſay Coates,
11	Paul Groſcop,	25	Jonathan Shoemaker,
12	Baltzer Gehr,	26	John Gloninger,
13	Joſeph Powell,	27	Thomas Beale.
14	John Piper,		

So it was determined in the affirmative,

And the ſaid ſection adopted as follows, *viz.*

Section XXIV. Every order, reſolution or vote, to which the concurrence of the Senate and Houſe of Repreſentatives may be neceſſary (except on a queſtion of adjournment) ſhall be preſented to the Governor, and, before the ſame ſhall take effect, be approved by him; or, being diſapproved by him, ſhall be re-paſſed by two-thirds of the Senate and Houſe of Repreſentatives, according to the rules and limitations preſcribed in caſe of a bill.

Whereupon, on motion of Mr. James Roſs, ſeconded by Mr. M'Lene,

Ordered, That the Secretary procure two copies of the ſeveral ſections of the firſt article of the ſaid propoſed conſtitution to be printed for the uſe of each member.

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and aſk leave to ſit again.

Friday, January 15, 1790. A. M.

The ſecond ſection of the ſecond article of the propoſed conſtitution, poſtponed yeſterday, recurring, *viz.*

He ſhall hold his office during the term of three years; and ſhall be choſen on the Tueſday of October in every third year, by the citizens throughout the commonwealth, at the places where they ſhall reſpectively vote for Repreſentatives.

It was, on motion of Mr. Hand, unanimouſly agreed to fill the blank, in the ſaid ſection, with the word *ſecond*.

A motion was then made by Mr. Sitgreaves, ſeconded by Mr. Edwards,

To add the following words to the ſaid ſection, viz. *But if it ſhould ſo happen that no perſon ſhould have a majority of all the votes given at any election for Governor, or if any two or more perſons ſhould be higheſt and equal in votes, in ſuch caſe the General Aſſembly ſhall, by joint* ballot *of both Houſes, elect one of thoſe two who ſhall be higheſt in votes, at ſuch election, to be Governor for the enſuing three years.*

It was moved by Mr. Addiſon, ſeconded by Mr. Gallatin,

To ſtrike out of Mr. Sitgreaves's amendment the whole preceding the words *if any two or more.*

Which was carried in the affirmative.

A motion was then made by Mr. James Roſs, ſeconded by Mr. Addiſon,

To ſtrike out the word *ballot*, contained in the ſaid amendment propoſed by Mr. Sitgreaves, and in lieu thereof to inſert the word *vote*.

On the queſtion—"Will the Committee agree to ſtrike out the word *ballot* for the aforeſaid purpoſe?"—The Yeas and Nays being called by Mr. Wilſon, were as follow, *viz.*

YEAS.		YEAS.	
1	James Wilſon,	25	William Irvine,
2	Hilary Baker,	26	James Power,
3	George Roberts,	27	Joſeph Heiſter,
4	Thomas M'Kean,	28	Paul Groſcop,
5	Thomas Mifflin,	29	Baltzer Gehr,
6	George Gray,	30	Peter Rhoads,
7	William Robinſon, junior,	31	John Piper,
8	Thomas Jenks,	32	Charles Smith,
9	John Barclay,	33	Simon Snyder,
10	Abraham Stout,	34	William Findley,
11	William Gibbons,	35	Alexander Addiſon,
12	Thomas Roſs,	36	John Hoge,
13	James Boyd,	37	David Redick,
14	Edward Hand,	38	James Roſs,
15	Robert Coleman,	39	Albert Gallatin,
16	William Atlee,	40	George Matthews.
17	John Hubley,	41	James Morris,
18	John Breckbill,	42	William Brown,
19	Henry Miller,	43	Alexander Graydon,
20	Henry Slegle,	44	Timothy Pickering,
21	William Reed,	45	Andrew Henderſon,
22	Benjamin Tyſon,	46	John Gibſon,
23	Benjamin Pedan,	47	John Sellers,
24	Matthew Dill,	48	Henry Hale Graham.

NAYS.

NAYS.	NAYS.
1 William Lewis,	9 John Arndt,
2 Robert Hare,	10 Joſeph Powell,
3 Enoch Edwards,	11 William Todd,
4 Sebaſtian Graff,	12 John Smilie,
5 Robert Whitehill,	13 James M'Lene,
6 Chriſtian Lower,	14 Lindſay Coates,
7 Abraham Lincoln,	15 Jonathan Shoemaker,
8 Samuel Sitgreaves,	16 John Gloninger.

So it was carried in the affirmative,

And the ſaid ſecond ſection adopted as follows, *viz.*

Section II. He ſhall hold his office during the term of three years; and ſhall be choſen on the ſecond Tueſday of October in every third year, by the citizens throughout the commonwealth, at the places where they ſhall reſpectively vote for Repreſentatives: But if any two or more perſons ſhould be higheſt and equal in votes at any election for Governor, in ſuch caſe the General Aſſembly ſhall, by joint vote, elect one of them to be Governor for the enſuing three years.

The third ſection of the ſecond article of the ſaid propoſed conſtitution being under conſideration, *viz.*

He ſhall not be capable of holding his office longer *than nine years ſucceſſively;* nor ſhall he be capable of being elected again till three years after the nine ſucceſſive years ſhall have expired.

It was moved by Mr. M'Lene, ſeconded by Mr. Redick,

To ſtrike out the words *nine years ſucceſſively*, and in lieu thereof to inſert the following, viz. *ſix years in any term of nine years.*

A motion was then made by Mr. Robinſon, ſeconded by Mr. Graydon,

To ſtrike out the word *nine*, and in lieu thereof to inſert the word *twelve.*

Which was determined in the negative.

The queſtion being taken on the motion made by Mr. M'Lene, ſeconded by Mr. Redick,

It was determined in the negative.

A motion was then made by Mr. Robinſon, ſeconded by Mr. Smilie,

To amend the ſaid third ſection of the ſecond article of the propoſed conſtitution ſo as to read as follows, *viz.*

He ſhall not be capable of holding his office longer than nine years in any term of twelve years.

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Wilſon, were as follow, *viz.*

YEAS.	YEAS.
1 Thomas Mifflin,	12 Robert Coleman,
2 William Robinſon, junior,	13 John Breckbill,
3 Robert Hare,	14 Henry Miller,
4 Enoch Edwards,	15 Henry Slegle,
5 Thomas Jenks,	16 William Reed,
6 John Barclay,	17 Benjamin Tyſon,
7 Abraham Stout,	18 Benjamin Pedan,
8 William Gibbons,	19 Matthew Dill,
9 Thomas Roſs,	20 Robert Whitehill,
10 James Boyd,	21 William Irvine,
11 Edward Hand,	22 James Power,

YEAS.		YEAS.	
23	Joſeph Heiſter,	37	David Redick,
24	Chriſtian Lower,	38	James Roſs,
25	Abraham Lincoln,	39	John Smilie,
26	Paul Groſcop,	40	Albert Gallatin,
27	Baltzer Gehr,	41	James M'Lene,
28	Peter Rhoads,	42	George Matthews,
29	Joſeph Powell,	43	James Morris,
30	John Piper,	44	Lindſay Coates,
31	Charles Smith,	45	Jonathan Shoemaker,
32	Simon Snyder,	46	John Gloninger,
33	William Findley,	47	William Brown,
34	William Todd,	48	Andrew Henderſon,
35	Alexander Addiſon,	49	John Gibſon.
36	John Hoge,		

NAYS.		NAYS.	
1	James Wilſon,	9	John Hubley,
2	Hilary Baker,	10	Samuel Sitgreaves,
3	George Roberts,	11	John Arndt,
4	William Lewis,	12	Alexander Graydon,
5	Thomas M'Kean,	13	Timothy Pickering,
6	George Gray,	14	John Sellers,
7	Sebaſtian Graff,	15	Henry Hale Graham.
8	William Atlee,		

So it was carried in the affirmative.

The Committee then roſe, reported progreſs and aſked leave to ſit again.

Saturday, January 16, 1790. A. M.

The fourth ſection of the ſecond article of the propoſed conſtitution, reported by the committee of nine, being under conſideration,

A motion was made by Mr. Hand, ſeconded by Mr. James Roſs,

To amend the ſame ſo as to read as follows, *viz.*

Section IV. He muſt be, at leaſt, thirty years of age; and muſt have been a citizen and inhabitant of this ſtate ſeven years next before his election. Provided, That no perſon abſent on public buſineſs of this ſtate, or of the United States, ſhall thereby be diſqualified.

On the queſtion—" Will the Committee agree to the ſection as amended?"

It was carried in the affirmative.

The fifth ſection of the ſaid article being under conſideration—

A motion was made by Mr. James Roſs, ſeconded by Mr. Edwards,

To amend the ſaid ſection ſo as to read as follows, *viz.*

Section V. No perſon ſhall be capable of exerciſing the office of Governor who, at the ſame time, ſhall be a member of Congreſs, or hold any other office under this ſtate or any office under the United States.

On the queſtion—" Will the Committee agree to the ſaid ſection as amended?"

It was carried in the affirmative.

The

The ſixth ſection of the ſecond article of the ſaid propoſed conſtitution being under the conſideration of this Committee, the ſame was adopted as follows, *viz.*

Section VI. The Governor ſhall, at ſtated times, receive for his ſervices a compenſation, which ſhall neither be encreaſed nor diminiſhed during the period for which he ſhall have been elected.

The ſeventh ſection of the ſaid article being under conſideration, the ſame was unanimouſly adopted as follows, *viz.*

Section VII. He ſhall be Commander in Chief of the army and navy of this commonwealth and of the militia, except when they ſhall be called into the actual ſervice of the United States.

The eighth ſection of the ſaid article being then under conſideration, *viz.*

He ſhall appoint *the Chancellor*, *Judges*, *Prothonotaries*, *Clerks*, *and* all *other* officers of this commonwealth, whoſe offices are eſtabliſhed by this conſtitution or ſhall be eſtabliſhed by law, and whoſe appointments are not herein otherwiſe provided for; but no perſon ſhall be appointed to an office within any county, who ſhall not have reſided therein one year next before his appointment.

It was moved by Mr. Edwards, ſeconded by Mr. Brown,

To ſtrike out the words *the Chancellor*, *Judges*, *Prothonotaries*, *Clerks*, *and*, and the word *other* before the word *officers*.

Which was carried in the affirmative,

And the ſection, as amended, agreed to.

A motion was then made by Mr. James Roſs, ſeconded by Mr. Hoge,

To add the following words to the ſaid ſection, viz. *No member of Congreſs from this ſtate, nor any perſon holding or exerciſing any office of truſt or profit under the United States, ſhall, at the ſame time, hold and exerciſe any office whatever in this ſtate.*

Whereupon,

On motion of Mr. Smilie, ſeconded by Mr. Edwards,

Ordered, That the debates on the ſaid eighth ſection be adjourned until Tueſday next.

The ninth ſection of the ſaid article being under conſideration, the ſame was adopted as follows, *viz.*

Section IX. The Governor ſhall commiſſion all the officers of this commonwealth.

A motion was made by Mr. Wilſon, ſeconded by Mr. Thomas Roſs,

To inſert the following as the tenth ſection of the ſaid propoſed conſtitution, *viz.*

Section X. He ſhall have power to remit fines, and grant reprieves and pardons for crimes and offences, except in caſes of *impeachment*.

It was then moved by Mr. Sitgreaves, ſeconded by Mr. Boyd,

To inſert before the word *impeachment* the words *treaſon and*.

Which was determined in the negative,

And the ſaid ſection adopted.

The tenth ſection of the propoſed conſtitution, as reported by the committee of nine, being under conſideration, the ſame was adopted as the eleventh ſection of the ſecond article, *viz.*

Section XI. He may require the opinion, in writing, of the officers in each of the Executive Departments upon any ſubject relating to the duties of their reſpective offices.

The eleventh ſection of the propoſed conſtitution, as reported by the committee of nine, being under conſideration, the ſame was adopted as the twelfth ſection of the ſecond article, *viz.*

Section XII. He ſhall, from time to time, give to the General Aſſembly information of the ſtate of the commonwealth, and recommend to their conſideration ſuch meaſures as he ſhall judge neceſſary or expedient.

The twelfth ſection of the ſecond article of the propoſed conſtitution being under conſideration,

It was moved by Mr. Addiſon, ſeconded by Mr. Gallatin,

To amend the ſame ſo as to read as follows, *viz.*

He may, on extraordinary occaſions, convene the General Aſſembly, and in caſe of diſagreement between the two Houſes with reſpect to the time of adjournment, he may adjourn them to ſuch time as he ſhall think proper.

A motion was made by Mr. Sitgreaves, ſeconded by Mr. M^cLene,

To add the following words to the ſaid ſection, viz. *not exceeding ninety days.*

A motion was then made by Mr. Lewis, ſeconded by Mr. Henderſon,

To inſert, in lieu of the words *ninety days*, the words *four months.*

Which was carried in the affirmative,

And the ſaid ſection adopted as the thirteenth ſection of the ſaid ſecond article, as follows, *viz.*

Section XIII. He may, on extraordinary occaſions, convene the General Aſſembly, and in caſe of diſagreement between the two Houſes with reſpect to the time of adjournment, he may adjourn them to ſuch time as he ſhall think proper, not exceeding four months.

The thirteenth ſection of the ſecond article of the ſaid propoſed conſtitution being under conſideration, the ſame was adopted as the fourteenth ſection, as follows, *viz.*

Section XIV. He ſhall take care that the laws be faithfully executed.

The fourteenth ſection of the ſaid article being under conſideration, the ſame was, on motion of Mr. Pickering, ſeconded by Mr. Wilſon, adopted as follows, *viz.*

Section XV. In caſe of the death or reſignation of the Governor, or of his removal from office, it ſhall devolve on the Speaker of the Senate until the next annual election of Repreſentatives, when another Governor ſhall be choſen in the manner herein before mentioned.

The fifteenth ſection of the ſaid article of the ſaid propoſed conſtitution being under conſideration, *viz.*

The State Treaſurer ſhall be appointed in the manner preſcribed by the twenty-fourth ſection of the firſt article of this conſtitution: All other officers in the Treaſury Department, Election Officers, Officers relating to the poor and highways, Conſtables and other Townſhip Officers ſhall be appointed in ſuch manner as ſhall be directed by law.

It was moved by Mr. Smilie, ſeconded by Mr. Lewis,

To amend the firſt ſentence of the ſaid ſection ſo as to read as follows, viz. *The State Treaſurer ſhall be appointed by the joint vote of both Houſes.*

Which was carried in the affirmative.

The following amendment was then moved by Mr. Hubley, ſeconded by Mr. Pickering,

To add after the word *appointed* the word *annually.*

Which was carried in the affirmative.

A motion was made by Mr. Lewis, ſeconded by Mr. Findley,

To adjourn the debates on the ſecond clauſe of the fifteenth ſection of the ſecond article.

Which was determined in the affirmative.

It was then moved by Mr. Findley, ſeconded by Mr. Redick,

To

To infert the following as the feventeenth fection of the fecond article of the faid propofed conftitution, *viz.*

A Secretary fhall be elected by the joint vote of both Houfes of the General Aſſembly and be commiſſioned by the Governor, he fhall counterſign all commiſſions ſigned by the Governor, and all orders drawn by him on the Treaſury of the ſtate for monies appropriated, as well as tavern and marriage licences, he ſhall keep fair records of the proceedings of the Supreme Executive Department, to be laid before either Houſe of Aſſembly when called for, and ſhall attend the Governor or either Houſe when required.

Ordered, That the conſideration of the ſaid motion be adjourned.

The firſt ſection of the third article of the ſaid propoſed conſtitution being under conſideration, *viz.*

In elections by the citizens, every freeman of the age of twenty-one years, having reſided in the ſtate two years next before the days of the elections reſpectively, and paid taxes within that time, ſhall enjoy the rights of an elector. The ſons of freeholders of the age aforeſaid, ſhall be entitled to vote though they have not paid taxes.

A motion was made by Mr. Wilſon, ſeconded by Mr. Tyſon,

To ſtrike out the word *two*, and in lieu thereof to inſert the word *one*.

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Wilſon, were as follow, *viz.*

YEAS.		YEAS.	
1	James Wilſon,	8	Joſeph Powell,
2	Hilary Baker,	9	William Todd,
3	William Lewis,	10	John Hoge,
4	William Gibbons,	11	David Redick,
5	Benjamin Tyſon,	12	Jonathan Shoemaker,
6	Benjamin Pedan,	13	John Gloninger,
7	James Power,	14	Timothy Pickering.
	NAYS.		NAYS.
1	George Roberts,	25	Joſeph Heiſter,
2	Thomas M'Kean,	26	Chriſtian Lower,
3	Thomas Miffliin,	27	Abraham Lincoln,
4	George Gray,	28	Paul Groſcop,
5	William Robinſon, junior,	29	Baltzer Gehr,
6	Robert Hare,	30	Samuel Sitgreaves,
7	Enoch Edwards,	31	John Arndt,
8	Thomas Jenks,	32	Peter Rhoads,
9	John Barclay,	33	John Piper,
10	Abraham Stout,	34	Charles Smith,
11	Thomas Roſs,	35	Simon Snyder,
12	James Boyd,	36	William Findley,
13	Edward Hand,	37	Alexander Addiſon,
14	Robert Coleman,	38	James Roſs,
15	Sebaſtian Graff,	39	John Smilie,
16	William Atlee,	40	Albert Gallatin,
17	John Hubley,	41	James M'Lene,
18	John Breckbill,	42	George Matthews,
19	Henry Miller,	43	Lindſay Coates,
20	Henry Slegle,	44	William Brown,
21	William Reed,	45	Andrew Henderſon,
22	Matthew Dill,	46	John Gibſon,
23	Robert Whitehill,	47	John Sellers,
24	William Irvine,	48	Henry Hale Graham.

So it was determined in the negative.

It was moved by Mr. Sitgreaves, ſeconded by Mr. M'Lene,

To inſert after the word *paid* the words *public ſtate or county.*

A motion was made by Mr. Pickering, ſeconded by Mr. Lewis,

To poſtpone the ſaid amendment in order to introduce the following, *viz.* to inſert after the words *reſpectively, and paid* the words *a ſtate or county tax within that time, which tax ſhall have been aſſeſſed upon him at leaſt ſix months before the election*, and to ſtrike out the word *taxes* after the words *and paid.*

Which was carried in the affirmative.

A motion was made by Mr. Redick, ſeconded by Mr Power,

To inſert before the words *the ſons* the words *freeholders qualified as aforeſaid.*

A motion was then made by Mr. Gallatin, ſeconded by Mr. Hoge,

To ſtrike out the words *The ſons of free-holders of the age aforeſaid*, and in lieu thereof to inſert the following, viz. *All thoſe who are natives, or have reſided ten years in the ſtate, and have attained the age of twenty-one years.*

The Committee then roſe in order to report further progreſs and aſk leave to ſit again.

Monday, January 18, 1790. P. M.

The firſt ſection of the third article of the propoſed conſtitution, together with the ſeveral amendments made thereto, being under conſideration,

It was moved by Mr. Sitgreaves, ſeconded by Mr. Arndt,

To amend the ſaid ſection, by adding, after the word *electors*, the words *Provided that natural born citizens of this commonwealth, ſhall be entitled to vote although they ſhall not have reſided within the ſtate two years next before the election.*

A motion was then made by Mr. Findley, ſeconded by Mr. Redick,

To adjourn the debates on the amendments propoſed, as well as the remainder of the ſaid ſection.

Which was carried in the affirmative.

The ſecond ſection of the third article of the ſaid propoſed conſtitution, being under conſideration, the ſame was adopted as follows, *viz.*

Section II. All elections ſhall be by ballot, except thoſe by perſons in their Repreſentative or public capacities, which ſhall be *viva voce.*

The third ſection of the third article of the ſaid propoſed conſtitution, being under conſideration, *viz.*

If elections are not properly attended; attendance on them ſhall be enforced by law.

It was then moved by Mr. Lewis, ſeconded by Mr. Pickering,

To amend the ſame ſo as to read as follows, *viz.*

Attendance upon elections *ſhall* be enforced by law.

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Lincoln,

To ſtrike out the word *ſhall*, and lieu thereof, inſert the word *may.*

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and aſk leave to ſit again.

Tueſday,

Tuesday, January 19, 1790. A. M.

Agreeably to the order of the day, the committee resumed the consideration of the amendment, moved by Mr. James Ross, seconded by Mr. Hoge, on the sixteenth day of January, instant, to the eighth section of the second article of the constitution, reported by the committee of nine, *viz.*

No member of Congress from this state nor any person holding or exercising any office of trust or profit under the United States, shall, at the same time, hold and exercise any office *whatever* in this state.

It was moved by Mr. James Ross, seconded by Mr. Hoge,

To insert after the word *whatever*, the words *otherwise than in the militia.*

On the question—"Will the Committee agree to the same?"—The Yeas and Nays being called by Mr. Wilson, were as follow, *viz.*

YEAS.		YEAS.	
1	Thomas Mifflin,	24	Paul Grofcop,
2	William Robinfon, junior,	25	Baltzer Gehr,
3	Robert Hare,	26	Peter Rhoads,
4	Enoch Edwards,	27	Joseph Powell,
5	John Barclay,	28	John Piper,
6	Abraham Stout,	29	Charles Smith,
7	William Gibbons,	30	Simon Snyder,
8	Thomas Bull,	31	William Findley,
9	Thomas Rofs,	32	William Todd,
10	James Boyd,	33	Alexander Addifon,
11	Edward Hand,	34	John Hoge,
12	Robert Coleman,	35	David Redick,
13	William Atlee,	36	James Rofs,
14	John Breckbill,	37	John Smilie,
15	Henry Miller,	38	Albert Gallatin,
16	William Reed,	39	James M'Lene,
17	Benjamin Tyfon,	40	George Matthews,
18	Benjamin Pedan,	41	James Morris,
19	Matthew Dill,	42	Lindfay Coates,
20	Robert Whitehill,	43	John Gloninger,
21	James Power,	44	William Brown,
22	Joseph Heifter,	45	John Gibfon,
23	Abraham Lincoln,	46	Thomas Beale.

NAYS.		NAYS.	
1	James Wilfon,	11	Henry Slegle,
2	Hilary Baker,	12	Samuel Sitgreaves,
3	George Roberts,	13	John Arndt,
4	William Lewis,	14	Samuel Potts,
5	Thomas M'Kean,	15	Jonathan Shoemaker,
6	George Gray,	16	Alexander Graydon,
7	Samuel Ogden,	17	Timothy Pickering,
8	Thomas Jenks,	18	Andrew Henderfon,
9	Sebaftian Graff,	19	John Sellers.
10	John Hubley,		

So it was carried in the affirmative,

And the eighth ſection of the ſecond article of the propoſed conſtitution adopted as follows, *viz.*

Section VIII. He ſhall appoint all officers of this commonwealth, whoſe offices are eſtabliſhed by this conſtitution or ſhall be eſtabliſhed by law, and whoſe appointments are not herein otherwiſe provided for; but no perſon ſhall be appointed to an office within any county who ſhall not have reſided therein one year next before his appointment. No member of Congreſs from this ſtate, nor any perſon holding or exerciſing any office of truſt or profit under the United States, ſhall, at the ſame time, hold and exerciſe any office whatever, otherwiſe than in the militia, in this ſtate.

The motion made by Mr. Findley, ſeconded by Mr. Redick, the ſixteenth day of January, inſtant, recurring, relative to the appointment of a Secretary,

It was, on motion of Mr. Wilſon, ſeconded by Mr. Addiſon,

Ordered, that the debates on the ſaid motion be adjourned.

A motion was made by Mr. Pickering, ſeconded by Mr. Lewis, in the following words, *viz.*

Any candidate applying for an office in the appointment of the Governor, or the Legiſlature, ſhall make his application only in writing; every application otherwiſe made, either by the candidate himſelf, or any other perſon for him at his requeſt, ſhall be deemed a diſqualification of ſuch candidate for the office requeſted.

It was unanimouſly agreed that the debates on the ſaid motion be adjourned.

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Arndt, in the following words, *viz.*

The Judges and Inſpectors or other officers, who are or ſhall be authoriſed by law to hold elections and receive votes at the different places of election throughout the commonwealth, ſhall, at every election for Governor, carefully ſeal up the tickets, tally liſts and liſts of voters as heretofore, and depoſit the ſame with the Clerk of the peace of the proper county, and the Judges and Inſpectors or other officers aforeſaid ſhall, in ſuch manner as is, or ſhall be, eſtabliſhed by law, meet together in their reſpective counties, and certify under their hands and ſeals, the perſons who ſhall be voted for in the ſaid county for Governor, and the number of votes for each perſon, in words at length and not in figures only, which certificates ſhall, as ſoon as may be, be tranſmitted, ſealed, to the ſeat of government of the ſtate, directed to the Speaker of the Senate. The Speaker of the Senate ſhall, in the preſence of the Senate and Houſe of Repreſentatives open all the certificates. The votes ſhall then be counted; the perſon having the greateſt number of votes ſhall be declared Governor.

It was then, on motion,

Ordered, That the debates on the ſaid motion be adjourned.

The third ſection of the third article of the propoſed conſtitution recurring, together with the amendments, *viz.* the motion made by Mr. Lewis and Mr. Pickering, yeſterday, that the ſaid ſection read as follows: "Attendance on elections *ſhall* be enforced by law," and the motion made by Mr. Sitgreaves, ſeconded by Mr. Lincoln, to ſtrike out the word "ſhall" and in lieu thereof to inſert the word *may*.

On the queſtion—"Will the Committee agree to ſtrike out the word *ſhall* and inſert the word *may?*"

It was carried in the affirmative.

And on the queſtion—"Will the Committee agree to the ſaid third ſection, as amended?"—The Yeas and Nays being called by Mr. Thomas Roſs, were as follow, *viz.*

YEAS.

YEAS.		YEAS.	
1	James Wilſon,	13	John Arndt,
2	Hilary Baker,	14	Joſeph Powell,
3	William Lewis,	15	John Piper,
4	William Robinſon, junior,	16	William Findley,
5	Robert Hare,	17	Alexander Addiſon,
6	Edward Hand,	18	John Hoge,
7	John Hubley,	19	David Redick,
8	William Reed,	20	John Smilie,
9	Matthew Dill,	21	George Matthews,
10	Robert Whitehill,	22	Jonathan Shoemaker,
11	James Power,	23	Alexander Graydon,
12	Abraham Lincoln,	24	Timothy Pickering.

NAYS.		NAYS.	
1	George Roberts,	22	Joſeph Heiſter,
2	Thomas M'Kean,	23	Paul Groſcop,
3	Thomas Mifflin,	24	Baltzer Gehr,
4	George Gray,	25	Samuel Sitgreaves,
5	Enoch Edwards,	26	Peter Rhoads,
6	Samuel Ogden,	27	Charles Smith,
7	Thomas Jenks,	28	Simon Snyder,
8	John Barclay,	29	William Todd,
9	Abraham Stout,	30	James Roſs,
10	William Gibbons,	31	Albert Gallatin,
11	Thomas Bull,	32	James M'Lene,
12	Thomas Roſs,	33	James Morris,
13	James Boyd,	34	Samuel Potts,
14	Robert Coleman,	35	Lindſay Coates,
15	Sebaſtian Graff,	36	John Gloninger,
16	William Atlee,	37	William Brown,
17	John Breckbill,	38	Andrew Henderſon,
18	Henry Miller,	39	John Gibſon,
19	Henry Slegle,	40	Thomas Beale,
20	Benjamin Tyſon,	41	John Sellers.
21	Benjamin Pedan,		

So it was determined in the negative.

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and aſk leave to ſit again.

Wedneſday, January 20, 1790. A. M.

A motion was made by Mr. Addiſon, ſeconded by Mr. Smilie,

To introduce the following as the third ſection of the third article of the propoſed conſtitution, *viz.*

Section III. Electors ſhall be privileged from arreſts in all caſes except treaſon, felony and breach of the peace during their attendance on elections and in going to and returning from the ſame.

On the queſtion—" Will the Committee agree to the ſame?"

It was carried in the affirmative.

The

The firſt ſection of the fourth article of the propoſed conſtitution being under conſideration, the ſame was adopted as follows, *viz.*

Section I. The Houſe of Repreſentatives ſhall have the ſole power of impeachment.

The ſecond ſection of the ſaid fourth article being under conſideration, *viz.*

All impeachments ſhall be tried before the Senate, *and the Chancellor of the commonwealth ſhall preſide therein*; when ſitting for that purpoſe the Senate ſhall be on oath or affirmation: No perſon ſhall be convicted without the concurrence of two-thirds of the members preſent.

It was moved by Mr. M^cLene, ſeconded by Mr. Sitgreaves,

To ſtrike out the words *and the Chancellor of the commonwealth ſhall preſide therein*, and in lieu thereof to inſert *who ſhall take to their aſſiſtance, for advice only, the Judges of the Supreme Court.*

Whereupon,

On motion,

Ordered, That the word *Senate* before the word *ſhall* be ſtruck out, and the word *Senators* be inſerted in lieu thereof, and that the further debates on the ſaid ſection be adjourned.

The third ſection of the ſaid fourth article being under conſideration, the ſame was adopted as follows, *viz.*

Section III. Judgment in caſes of impeachment ſhall not extend further than to removal from office, and diſqualification to hold any office of honor, truſt or profit under this commonwealth; but the party convicted ſhall nevertheleſs be liable to indictment, trial, judgment and puniſhment according to law.

The firſt ſection of the fifth article of the conſtitution, reported by the committee of nine, being under conſideration,

It was moved by Mr. Thomas Roſs, ſeconded by Mr. Boyd,

To amend the ſame ſo as to read as follows, *viz.*

The Judicial Power of this commonwealth ſhall be veſted in a Supreme Court, in a Court of Oyer and Terminer and General Gaol Delivery herein after mentioned; in a Court of Common Pleas, Orphans' Court, Regiſter's Court and Court of Quarter Seſſions for each County; and in ſuch other Courts as the Legiſlature may, from time to time, eſtabliſh: But no ſpecial commiſſion of Oyer and Terminer or Gaol Delivery ſhall be iſſued.

A motion was then made by Mr. Sitgreaves, ſeconded by Mr. Barclay,

To poſtpone the conſideration of the whole of the ſaid fifth article, in order to introduce the following as a ſubſtitute, *viz.*

ARTICLE V.

Section I. The Judicial Power of this commonwealth ſhall be veſted in a Supreme Court, the juriſdiction of which ſhall extend over the whole ſtate, in a Court of Common Pleas, Orphans' Court, Regiſter's Court and Court of Quarter Seſſions for each county, in Juſtices of the Peace, and in ſuch other Courts as may be eſtabliſhed by the Legiſlature hereafter.

Section II. The Judges of the Supreme Court, and the Preſidents of the ſeveral Courts of Common Pleas ſhall be commiſſioned and hold their offices during good behaviour: But the Governor may remove any of them on the addreſs of two-thirds of each branch of the Legiſlature.

Section III. The Judges of the Supreme Court ſhall, at ſtated times, receive, for their ſervices, a compenſation honorable and adequate, which ſhall not be diminiſhed during their continuance in office.

Section

Section IV. The Judges of the Supreme Court ſhall, by virtue of their offices, be Juſtices of Oyer and Terminer and General Gaol Delivery for the whole ſtate: But no ſpecial commiſſion of Oyer and Terminer and General Gaol Delivery ſhall, at any time, be iſſued.

Section V. The ſtate ſhall, by law, be divided into circuits, any of which ſhall include not more than , nor fewer than counties. A Preſident ſhall be appointed for the Courts of Common Pleas and Quarter Seſſions in each circuit, and ſhall receive an adequate compenſation for his ſervices, to be raiſed by a tax on proceſs, or in ſuch other manner as the Legiſlature may provide.

Section VI. The Judges of the courts of Common Pleas ſhall have the like powers with the Judges of the Supreme Court to iſſue writs of Certiorari to the Juſtices of the Peace within the ſeveral counties reſpectively, and to cauſe their proceedings to be brought before them and the like right and juſtice to be done.

Section VII. The Supreme Court and the ſeveral Courts of Common Pleas, beſide the powers uſually exerciſed by ſuch courts, ſhall have the powers of a Court of Chancery, ſo far as relates to the perpetuating teſtimony, obtaining evidence from places not within this ſtate, the care of the perſons and eſtates of thoſe who are *non compotes mentis*, compelling the execution of truſts and the ſpecific performance of agreements, iſſuing injunctions for the prevention of waſte, obliging parties to interplead in proper caſes and to make anſwer upon oath or affirmation reſpecting matters merely within their own knowledge, and in ſuch other caſes as the future Legiſlature may direct. Provided that, if at any future period a Court of Chancery ſhould be, by law, eſtabliſhed within this commonwealth, from thenceforth the extraordinary powers hereby given to the Supreme Court and Courts of Common Pleas ſhall ceaſe and determine, except as to the obtaining evidence from places not within this ſtate.

Section VIII. A competent number of Juſtices of the Peace ſhall be appointed in each county for the conſervation of the peace, and to facilitate the adminiſtration of juſtice in controverſies of ſmall value; which juſtices ſhall be commiſſioned for years, they behaving themſelves well. The Preſident of the Courts of Common Pleas and Quarter Seſſions in each circuit, ſhall be a Juſtice of the Peace within that circuit.

Section IX. A Regiſter's office for the probate of wills and granting letters of adminiſtration, and an office for recording of deeds, ſhall be kept in each county.

Section X. The Judges of the Supreme Court ſhall appoint Commiſſioners of Bail in every county of the ſtate, except thoſe in which they ſhall reſpectively reſide.

Section XI. Prothonotaries, Clerks of the Peace and Orphans' Courts, Recorders of Deeds, Regiſters of Wills, and Sheriffs, ſhall keep their offices in the county town of the county in which they reſpectively ſhall be officers.

Section XII. The ſtile of all proceſs ſhall be *The Commonwealth of Pennſylvania:* All proſecutions ſhall be carried on in the name and by the authority of the Commonwealth of Pennſylvania, and ſhall conclude *Againſt the peace and dignity of the ſame.*

On the queſtion—" Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"

It was determined in the negative.

The firſt ſection of the fifth article, with the amendment propoſed by Mr. Thomas Roſs, ſeconded by Mr. Boyd, recurring,

After ſome debate thereon,

The Committee roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and requeſt leave to ſit again.

Thurſday,

Thurſday, January 21, 1790. A. M.

The firſt ſection of the fifth article of the conſtitution, reported by the committee of nine, together with the amendment propoſed yeſterday by Mr. Thomas Roſs and Mr. Boyd, recurring,

A motion was made by Mr. Smilie, ſeconded by Mr. Matthews, to amend the ſaid firſt ſection ſo as to read as follows, *viz.*

The Judicial Powers of this commonwealth ſhall be veſted in a Supreme Court, and in ſuch other Courts as the Legiſlature may, from time to time, ordain and eſtabliſh.

And after conſiderabe debate

The Committee roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and requeſt leave to ſit again.

Friday, January 22, 1790. A. M.

The firſt ſection of the fifth article of the Conſtitution reported by the committee of nine, together with the amendments propoſed by Mr. Thomas Roſs and Mr. Smilie, on the twentieth and twenty-firſt of January, inſtant, recurring—

A motion was made by Mr. Ogden, ſeconded by Mr. Lewis,

To poſtpone the ſaid amendments in order to amend the ſaid fifth ſection ſo as to read as follows, *viz.*

The Judicial Power of this Commonwealth ſhall be veſted in a High Court of Chancery (provided that the ſaid court ſhall not take cognizance of any cauſe, matter or thing for which there ſhall be a ſpecific, adequate and complete remedy in the courts of common law, and at all times ſubject to ſuch laws as may hereafter be enacted by the Legiſlature of this commonwealth, reſpecting the juriſdiction of ſaid court) and a Supreme Court, the juriſdiction of each of which ſhall extend over the ſtate; in the Courts of Chancery and of Oyer and Terminer and General Goal Delivery herein after mentioned; in a Court of Common Pleas, Orphans' Court, Regiſter's Court, and Court of Quarter Seſſions for each county, and in ſuch other courts as the Legiſlature may, from time to time, eſtabliſh. But no ſpecial commiſſion of Oyer and Terminer or Gaol Delivery ſhall be iſſued.

On the queſtion—" Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"

It was determined in the negative.

Whereupon,

The motion of Mr. Thomas Roſs, made on the twentieth of January, inſtant, being under conſideration,

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Edwards, were as follow, *viz.*

YEAS.	YEAS.
1 George Roberts,	6 James Boyd,
2 Thomas Mifflin,	7 Edward Hand,
3 Enoch Edwards,	8 Robert Coleman,
4 Thomas Bull,	9 John Breckbill,
5 Thomas Roſs,	10 Henry Miller,

YEAS.

YEAS.		YEAS.	
11	William Reed,	27	William Findley,
12	Benjamin Tyſon,	28	William Todd,
13	Benjamin Pedan,	29	Alexander Addiſon,
14	Matthew Dill,	30	David Redick,
15	Robert Whitehill,	31	John Smilie,
16	James Power,	32	Albert Gallatin,
17	Joſeph Heiſter,	33	James M'Lene,
18	Abraham Lincoln,	34	George Matthews,
19	Paul Groſcop,	35	James Morris,
20	Baltzer Gehr,	36	Lindſay Coates,
21	Samuel Sitgreaves,	37	Jonathan Shoemaker,
22	John Arndt,	38	John Gloninger,
23	Peter Rhoads,	39	William Brown,
24	Joſeph Powell,	40	Timothy Pickering,
25	John Piper,	41	John Gibſon,
26	Simon Snyder,	42	Thomas Beale.

DUPLICATE SOLD.

NAYS.		NAYS.	
1	James Wilſon,	12	Sebaſtian Graff,
2	Hilary Baker,	13	William Atlee,
3	William Lewis,	14	John Hubley,
4	Thomas M'Kean,	15	Charles Smith,
5	George Gray,	16	John Hoge,
6	William Robinſon, junior,	17	James Roſs,
7	Robert Hare,	18	Samuel Potts,
8	Samuel Ogden,	19	Alexander Graydon,
9	Thomas Jenks,	20	Andrew Henderſon,
10	John Barclay,	21	John Sellers.
11	Abraham Stout,		

So it was carried in the affirmative.

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and requeſt leave to ſit again.

Saturday, January 23, 1790. A. M.

The firſt ſection of the fifth article of the propoſed conſtitution, as amended, recurring, *viz.*

The Judicial Power of this commonwealth ſhall be veſted in a Supreme Court, the juriſdiction of which ſhall extend over the ſtate; in Courts of Oyer and Terminer and General Gaol Delivery herein after mentioned; in a Court of Common Pleas, Orphans' Court, Regiſter's Court and Court of Quarter Seſſions for each county, and in ſuch other Courts as the Legiſlature may, from time to time, eſtabliſh. But no ſpecial commiſſion of Oyer and Terminer or Gaol Delivery ſhall be iſſued.

It was moved by Mr. Sitgreaves, ſeconded by Mr. Shoemaker,

To poſtpone the firſt, ſecond, third and fourth ſections of the ſaid fifth article, in order to take into conſideration the fifth ſection of the ſaid article.

Which was carried in the affirmative.

A motion was then made by Mr. Smilie, ſeconded by Mr. M'Lene,

To poſtpone the conſideration of the whole of the ſaid fifth article, in order to introduce the following as a ſubſtitute, *viz.*

The

The Judicial Power of this commonwealth ſhall be veſted in a Supreme Court, which ſhall have juriſdiction throughout the ſtate, in the Courts of Oyer and Terminer and General Gaol Delivery, and in a Court of Common Pleas, an Orphans' Court, Court of Seſſions of the Peace, and Regiſter's Court in each county; and the Juſtices of the Peace of the ſeveral counties ſhall have right to decide concerning ſmall debts and demands.

The Judges of the Supreme Court, four at leaſt in number, as the Legiſlature ſhall direct, ſhall be appointed and commiſſioned by the Governor for and during their good behaviour reſpectively; and ſhall receive a compenſation which ſhall neither be encreaſed nor diminiſhed during their continuance in office; provided that the Governor may remove any of them on the addreſs of two-thirds of each branch of the Legiſlature.

There ſhall be Judges not exceeding five in each county, appointed and commiſſioned by the Governor, who ſhall hold the Court of Common Pleas, who ſhall alſo compoſe the Orphans' Court and the Court of Regiſter of Wills of the county.

The Supreme Court and the ſeveral Courts of Common Pleas ſhall, beſide the powers heretofore uſually exerciſed by the ſaid Courts, have the power of a Court of Chancery, ſo far as relates to the perpetuating of teſtimony, obtaining evidence from places not within the ſtate, and the care of the perſons and eſtates of thoſe who be *non compotes mentis*, and ſuch other powers as may be found neceſſary by future General Aſſemblies, not inconſiſtent with the conſtitution.

Courts of Quarter Seſſions of the Peace ſhall be holden by the Juſtices of the Peace of each county reſpectively.

The Legiſlature ſhall have power to eſtabliſh all ſuch other Courts as ſhall be found neceſſary.

On the queſtion—" Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"—The Yeas and Nays being called by Mr. Smilie, were as follow, *viz.*

YEAS.	YEAS.
1 John Smilie,	3 John Gloninger,
2 James M'Lene,	4 William Brown.

NAYS.	NAYS.
1 James Wilſon,	22 William Atlee,
2 Hilary Baker,	23 John Hubley,
3 George Roberts,	24 John Breckbill,
4 William Lewis,	25 Henry Miller,
5 Thomas M'Kean,	26 Henry Slegle,
6 Thomas Mifflin,	27 William Reed,
7 George Gray,	28 Benjamin Tyſon,
8 William Robinſon, junior,	29 Benjamin Pedan,
9 Robert Hare,	30 Matthew Dill,
10 Enoch Edwards,	31 Robert Whitehill,
11 Samuel Ogden,	32 James Power,
12 Thomas Jenks,	33 Abraham Lincoln,
13 John Barclay,	34 Paul Groſcop,
14 Abraham Stout,	35 Baltzer Gehr,
15 William Gibbons,	36 Samuel Sitgreaves,
16 Thomas Bull,	37 John Arndt,
17 Thomas Roſs,	38 Peter Rhoads,
18 James Boyd,	39 Joſeph Powell,
19 Edward Hand,	40 John Piper,
20 Robert Coleman,	41 Charles Smith,
21 Sebaſtian Graff,	42 Simon Snyder,

NAYS.

NAYS.		NAYS.	
43	William Findley,	52	Lindſay Coates,
44	William Todd,	53	Jonathan Shoemaker,
45	Alexander Addiſon,	54	Alexander Graydon,
46	John Hoge,	55	Timothy Pickering,
47	David Redick,	56	Andrew Henderſon,
48	James Roſs,	57	John Gibſon,
49	Albert Gallatin,	58	Thomas Beale,
50	George Matthews,	59	John Sellers.
51	Samuel Potts,		

So it was determined in the negative.

The fifth ſection of the fifth article of the conſtitution reported by the committee of nine, being under conſideration,

A motion was made by Mr. Wilſon, ſeconded by Mr. Miller,

To fill the firſt blank with the word *ſix*, and the ſecond blank with the word *three*,

Which was carried in the affirmative.

It was then moved by Mr. Sitgreaves, ſeconded by Mr. Smilie,

To poſtpone the ſaid ſection in order to introduce the following in lieu thereof, *viz.*

The ſeveral Courts of Common Pleas, for the preſent, ſhall be eſtabliſhed in the following manner: The Governor ſhall appoint and commiſſion *a number of Judges in each county, not leſs than nor exceeding* who, during their continuance in office, ſhall reſide within ſuch county. The ſtate ſhall, by law, be divided into circuits, any of which ſhall not include more than ſix, nor fewer than three counties: A Preſident ſhall be appointed for the ſeveral courts in each circuit, who, during his continuance in office, ſhall reſide within ſuch circuit. Such Preſident and Judges, *or any three* of them, ſhall be the Judges who ſhall compoſe the reſpective Courts of Common Pleas.

On the queſtion—" Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"—The Yeas and Nays being called by Mr. Ogden, were as follow, *viz.*

YEAS.		YEAS.	
1	Enoch Edwards,	20	Abraham Lincoln,
2	Samuel Ogden,	21	Paul Groſcop,
3	Thomas Jenks,	22	Baltzer Gehr,
4	John Barclay,	23	Samuel Sitgreaves,
5	Abraham Stout,	24	John Arndt,
6	William Gibbons,	25	Peter Rhoads,
7	Thomas Bull,	26	Joſeph Powell,
8	Thomas Roſs,	27	John Piper,
9	James Boyd,	28	Simon Snyder,
10	Edward Hand,	29	William Findley,
11	Robert Coleman,	30	William Todd,
12	John Hubley,	31	John Smilie,
13	John Breckbill,	32	James M'Lene,
14	Henry Slegle,	33	George Matthews,
15	William Reed,	34	Lindſay Coates,
16	Benjamin Pedan,	35	Jonathan Shoemaker,
17	Matthew Dill,	36	John Gloninger,
18	Robert Whitehill,	37	William Brown,
19	James Power,	38	Thomas Beale.

NAYS.

NAYS.	NAYS.
1 James Wilſon,	13 Charles Smith,
2 Hilary Baker,	14 Alexander Addiſon,
3 George Roberts,	15 John Hoge,
4 William Lewis,	16 David Redick,
5 Thomas M'Kean,	17 James Roſs,
6 Thomas Miffliu,	18 Albert Gallatin,
7 George Gray,	19 Samuel Potts,
8 William Robinſon, junior,	20 Alexander Graydon,
9 Robert Hare,	21 Timothy Pickering,
10 Sebaſtian Graff,	22 Andrew Henderſon,
11 William Atlee,	23 John Gibſon,
12 Henry Miller,	24 John Sellers.

So it was carried in the affirmative,

And the ſaid ſection, as amended, being under conſideration,

It was moved by Mr. Sitgreaves, ſeconded by Mr. M'Lene,

To fill the blanks with the words *three* and *five*.

A motion was then made by Mr. Lewis, ſeconded by Mr. Addiſon,

To ſtrike out the words " a number of Judges in each county, not leſs than nor exceeding " and, in lieu thereof, to inſert *four Judges in each county*.

Which was determined in the negative.

Whereupon,

On the queſtion—" Will the Committee agree to the amendment propoſed by Mr. Sitgreaves and Mr. M'Lene, *viz.* to fill the blanks with the words *three* and *five*?"

It was carried in the affirmative to fill the firſt blank with the word *three*.

A motion was then made by Mr. Gallatin, ſeconded by Mr. Edwards,

To fill the ſecond blank with the word *four*.

Which was carried in the affirmative.

It was moved by Mr. Edwards, ſeconded by Mr. Lewis,

To ſtrike out, after the words *or any*, the word *three*, and, in lieu thereof, to inſert the word *two*.

Which was carried in the affirmative.

A motion was then made by Mr. Addiſon, ſeconded by Mr. M'Lene,

To add the following words to the ſaid ſection, *viz.*

And any one of them may, in the abſence of the others, open and adjourn the court from day to day.

Which was determined in the negative,

And thereupon

The ſaid fifth ſection of the fifth article adopted as follows, *viz.*

Section V. The ſeveral Courts of Common Pleas, for the preſent, ſhall be eſtabliſhed in the following manner: The Governor ſhall appoint a number of Judges in each county, not leſs than three, nor exceeding four, who, during their continuance in office, ſhall reſide within ſuch county. The ſtate ſhall, by law, be divided into circuits, any of which ſhall not include more than ſix, nor fewer than three counties. A Preſident ſhall be appointed for the ſeveral courts in each circuit, who, during his continuance in office, ſhall reſide within ſuch circuit. Such Preſident or any two of them, ſhall be the Judges who ſhall compoſe the reſpective Courts of Common Pleas.

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and requeſt leave to ſit again.

Monday,

Monday, January 25, 1790. P. M.

The firſt ſection of the fifth article of the conſtitution reported by the committee of nine, with the amendments, recurring,

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Hare,

To poſtpone the further conſideration thereof, in order to take up the ſixth ſection of the ſaid article, *viz.*

The Judges of the Courts of Common Pleas *reſpectively*, *during their continuance in office*, ſhall, the Preſident being one of them, be Juſtices of Oyer and Terminer and General Gaol Delivery, for the trial of capital and other offenders, *for each of the counties within the ſaid circuits reſpectively:* But they ſhall not hold a Court of Oyer and Terminer and General Gaol Delivery, in any county, when the Judges of the Supreme Court, or ſome of them, ſhall be ſitting in the ſame county.

Which was carried in the affirmative,

And the ſaid ſixth ſection being under conſideration,

It was moved by Mr. Findley, ſeconded by Mr. Edwards,

To poſtpone the conſideration of the ſaid ſixth ſection.

Which was determined in the negative.

A motion was made by Mr. Smith, ſeconded by Mr. Wilſon,

To ſtrike out, after the words " Common Pleas," the word *reſpectively*, and inſert, in lieu thereof, *in each county;* and to ſtrike out the words *for each of the counties within the ſaid circuits reſpectively.*

Which was carried in the affirmative.

A motion was then made by Mr. Smith, ſeconded by Mr. Bull,

To ſtrike out the words *during their continuance in office.*

Which was carried in the affirmative.

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Potts,

To add the following after the words " each county:" *Or any two of them, the Preſident being one.*

Which was determined in the affirmative.

It was moved by Mr. Findley, ſeconded by Mr. Piper,

To amend the ſaid ſection ſo as to read as follows, *viz.*

Section VI. The Judges of the Courts of Common Pleas in each county, or any two of them, the Preſident being one, ſhall be Juſtices of Oyer and Terminer and General Gaol Delivery, for the trial of capital and other offenders: But they ſhall not hold a Court of Oyer and Terminer and General Gaol Delivery, in any county, when the Judges of the Supreme Court, or ſome of them, ſhall be ſitting in the ſame county. But the parties accuſed, as well as the commonwealth, may remove the indictment and proceedings into the Supreme Court at any time before trial.

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Findley, were as follow, *viz.*

YEAS.	YEAS.
1 Hilary Baker,	6 John Barclay,
2 George Roberts,	7 Abraham Stout,
3 Thomas M'Kean,	8 William Gibbons,
4 Thomas Mifflin,	9 Thomas Bull,
5 George Gray,	10 Thomas Roſs,

YEAS.

YEAS.		YEAS.	
11	James Boyd,	27	Joſeph Powell,
12	Edward Hand,	28	John Piper,
13	Robert Coleman,	29	Charles Smith,
14	Sebaſtian Graff,	30	Simon Snyder,
15	John Hubley,	31	William Findley,
16	John Breckbill,	32	William Todd,
17	Henry Miller,	33	Alexander Addiſon,
18	William Reed,	34	John Hoge,
19	Benjamin Pedan,	35	John Gloninger,
20	Matthew Dill,	36	William Brown,
21	James Power,	37	Alexander Graydon,
22	Abraham Lincoln,	38	Timothy Pickering,
23	Paul Groſcop,	39	Andrew Henderſon,
24	Baltzer Gehr,	40	John Gibſon,
25	John Arndt,	41	John Sellers.
26	Peter Rhoads,		

NAYS.		NAYS.	
1	James Wilſon,	9	John Smilie,
2	William Robinſon, junior,	10	Albert Gallatin,
3	Robert Hare,	11	James M'Lene,
4	Enoch Edwards,	12	George Matthews,
5	William Atlee,	13	James Morris,
6	Henry Slegle,	14	Samuel Potts,
7	Robert Whitehill,	15	Lindſay Coates.
8	Samuel Sitgreaves,		

So it was carried in the affirmative, and the ſection, as amended, adopted.

The ſeventh ſection of the fifth article of the propoſed conſtitution being under conſideration,

It was moved by Mr. Addiſon, ſeconded by Mr. Sitgreaves,

To amend the ſame ſo as to read as follows, *viz.*

The Judges of the Courts of Common Pleas, or any two of them, ſhall compoſe the Courts of Quarter Seſſions, Orphans' Courts and Regiſter's Courts for their reſpective counties.

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and requeſt leave to ſit again.

Tueſday, January 26, 1790. A. M.

The ſeventh ſection of the fifth article of the propoſed conſtitution, together with the amendment propoſed yeſterday by Mr. Addiſon, ſeconded by Mr. Sitgreaves, recurring,

A motion was made by Mr. M'Lene, ſeconded by Mr. Edwards,

To ſtrike out the words "Quarter Seſſions" from the ſaid amendment.

It was then moved by Mr. Ogden, ſeconded by Mr. Stout,

To poſtpone the ſaid ſeventh ſection, with the ſeveral amendments, in order to take into conſideration the eleventh ſection of the ſaid fifth article.

Which was determined in the negative,

Whereupon,

Whereupon,

The motion made by Mr. M^cLene, ſeconded by Mr. Edwards, to ſtrike out the words " Quarter Seſſions," recurring,

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Wilſon, were as follow, *viz.*

YEAS.		YEAS.	
1	Enoch Edwards,	11	William Findley,
2	Benjamin Pedan,	12	John Smilie,
3	Matthew Dill,	13	James M^cLene,
4	Robert Whitehill,	14	George Matthews,
5	James Power,	15	Lindſay Coates,
6	Abraham Lincoln,	16	Jonathan Shoemaker,
7	Paul Groſcop,	17	John Gloninger,
8	Baltzer Gehr,	18	John Barclay,
9	John Piper,	19	Thomas Beale.
10	Simon Snyder,		

NAYS.		NAYS.	
1	James Wilſon,	20	Samuel Sitgreaves,
2	Hilary Baker,	21	John Arndt,
3	William Lewis,	22	Peter Rhoads,
4	Thomas Mifflin,	23	Joſeph Powell,
5	William Robinſon, junior,	24	Charles Smith,
6	Robert Hare,	25	William Todd,
7	Samuel Ogden,	26	Alexander Addiſon,
8	Thomas Jenks,	27	John Hoge,
9	Abraham Stout,	28	David Redick,
10	Thomas Bull,	29	James Roſs,
11	James Boyd,	30	Albert Gallatin,
12	Edward Hand,	31	James Morris,
13	Robert Coleman,	32	Samuel Potts,
14	Sebaſtian Graff,	33	William Brown,
15	John Hubley,	34	Alexander Graydon,
16	John Breckbill,	35	Timothy Pickering,
17	Henry Miller,	36	Andrew Henderſon,
18	Henry Slegle,	37	John Gibſon.
19	William Reed,		

So it was determined in the negative.

Mr. Addiſon and Mr. Sitgreaves withdrew their motion made yeſterday,

Whereupon,

The ſeventh ſection recurring,

A motion was made by Mr. Smith, ſeconded by Mr. Henderſon,

To poſtpone the conſideration thereof in order to introduce the following, as a ſubſtitute, *viz.*

The Judges of the Court of Common Pleas ſhall compoſe the Courts of Quarter Seſſions and Orphans' Court in their reſpective counties, any two of whom ſhall be a quorum; and the Regiſter of Wills, together with the ſaid Judges, or any two of them, ſhall compoſe the Regiſter's Court in the reſpective counties.

On the queſtion—" Will the Committee agree to the poſtponement?"

It was carried in the affirmative.

A motion was then made by Mr. Ogden, ſeconded by Mr. Morris,

To add the following words to the ſubſtitute propoſed by Mr. Smith, ſeconded by Mr. Henderſon, *viz.*

The Juſtices of the Peace ſhall ſit in conjunction with the Judges of the Common Pleas and form the Court of Quarter Seſſions.

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Ogden, were as follow, *viz.*

YEAS.	YEAS.
1 Enoch Edwards,	10 Paul Groſcop,
2 Samuel Ogden,	11 Baltzer Gehr,
3 Thomas Jenks,	12 John Piper,
4 John Barclay,	13 John Smilie,
5 Abraham Stout,	14 James M'Lene,
6 Benjamin Pedan,	15 James Morris,
7 Matthew Dill,	16 Jonathan Shoemaker,
8 Robert Whitehill,	17 John Gloninger.
9 Abraham Lincoln,	

NAYS.	NAYS.
1 James Wilſon,	21 Peter Rhoads,
2 Hilary Baker,	22 Joſeph Powell,
3 William Lewis,	23 Charles Smith,
4 Thomas Mifflin,	24 Simon Snyder,
5 William Robinſon, junior,	25 William Findley,
6 Robert Hare,	26 William Todd,
7 Thomas Bull,	27 Alexander Addiſon,
8 James Boyd,	28 John Hoge,
9 Edward Hand,	29 David Redick,
10 Robert Coleman,	30 James Roſs,
11 Sebaſtian Graff,	31 Albert Gallatin,
12 John Hubley,	32 George Matthews,
13 John Breckbill,	33 Samuel Potts,
14 Henry Miller,	34 Lindſay Coates,
15 Henry Slegle,	35 William Brown,
16 William Reed,	36 Alexander Graydon,
17 Benjamin Tyſon,	37 Timothy Pickering,
18 James Power,	38 Andrew Henderſon,
19 Samuel Sitgreaves,	39 John Gibſon,
20 John Arndt,	40 Thomas Beale.

So it was determined in the negative,

And the ſubſtitute, propoſed by Mr. Smith, ſeconded by Mr. Henderſon, adopted as the ſeventh ſection of the fifth article of the ſaid propoſed conſtitution.

The eighth ſection of the ſaid fifth article being then under conſideration, the ſame was unanimouſly adopted as follows, *viz.*

Section VIII. The Judges of the Courts of Common Pleas ſhall have the like powers with the Judges of the Supreme Court to iſſue writs of Certiorari to the Juſtices of the Peace within the ſeveral counties reſpectively, and to cauſe their proceedings to be brought before them and the like right and juſtice to be done.

The ninth ſection of the ſaid fifth article being under conſideration—

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Wilſon, to amend the ſame ſo as to read as follows, *viz.*

Section

Section IX. The President of the Court of each circuit shall be Conservator of the Peace within such circuit; and the Judges of the Common Pleas shall be Conservators of the Peace within their respective counties.

On the question—" Will the Committee agree to the same?"

It was carried in the affirmative,

And the said ninth section, as amended, adopted.

The Committee rose in order to report, That they had made further progress in the business referred to them, and request leave to sit again.

Wednesday, January 27, 1790. A. M.

The tenth section of the fifth article of the constitution reported by the committee of nine being under consideration—

On the question—" Will the Committee agree to the same?"

It was determined in the negative.

The eleventh section of the fifth article of the said proposed constitution coming under consideration—

It was moved by Mr. Redick, seconded by Mr. Hoge,

To postpone the consideration of the said section in order to introduce the following in lieu thereof, *viz.*

The Governor shall appoint and commission a competent number of Justices of the Peace in convenient districts, to be fixed in such manner as shall be, by law, directed. They shall be commissioned for years, and may be removed for misconduct upon the address of the Legislature.

After some debate a division of the question was called for,

And on the question—" Will the Committee agree to the first part thereof, *viz.* The Governor shall appoint and commission a competent number of Justices of the Peace in convenient districts, to be fixed in such manner as shall be, by law, directed?" —The Yeas and Nays being called by Mr. Sitgreaves, were as follow, *viz.*

YEAS.	YEAS.
1 James Wilson,	20 Benjamin Tyson,
2 George Roberts,	21 Matthew Dill,
3 Thomas Mifflin,	22 Samuel Sitgreaves,
4 George Gray,	23 John Arndt,
5 Enoch Edwards,	24 Peter Rhoads,
6 Samuel Ogden,	25 Joseph Powell,
7 Thomas Jenks,	26 Charles Smith,
8 John Barclay,	27 Simon Snyder,
9 Abraham Stout,	28 Alexander Addison,
10 William Gibbons,	29 John Hoge,
11 Thomas Bull,	30 David Redick,
12 Thomas Ross,	31 James Ross,
13 Edward Hand,	32 Samuel Potts,
14 Robert Coleman,	33 Alexander Graydon,
15 Sebastian Graff,	34 Timothy Pickering,
16 John Hubley,	35 Andrew Henderson,
17 John Breckbill,	36 John Gibson,
18 Henry Miller,	37 John Sellers.
19 Henry Slegle,	

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NAYS.

NAYS.

1 Hilary Baker,
2 William Robinſon, junior,
3 James Boyd,
4 William Reed,
5 Benjamin Pedan,
6 Robert Whitehill,
7 James Power,
8 Abraham Lincoln,
9 Paul Groſcop,
10 Baltzer Gehr,
11 John Piper,
12 William Findley,
13 William Todd,
14 John Smilie,
15 Albert Gallatin,
16 James M'Lene,
17 George Matthews,
18 Lindſay Coates,
19 Jonathan Shoemaker,
20 John Gloninger,
21 William Brown.

So it was carried in the affirmative.

The ſecond part of the ſaid ſection being under conſideration, *viz.*

They ſhall be commiſſioned *for* *years*, and *may* be removed for *miſconduct, upon the addreſs of the Legiſlature.*

It was moved by Mr. Findley, ſeconded by Mr. Todd,

To ſtrike out the words *for* *years*, and to inſert, in lieu thereof, *during good behaviour.*

A motion was then made by Mr. Edwards, ſeconded by Mr. Gallatin,

To add, after the word Legiſlature, the following, viz. *But ſhall not take or receive fees or perquiſites of any kind.*

Which was determined in the negative.

The amendment moved by Mr. Findley, ſeconded by Mr. Todd, recurring, *viz.* to ſtrike out the words *for* *years*, and, in lieu thereof, to inſert *during good behaviour.*

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Wilſon, were as follow, *viz.*

YEAS.

1 James Wilſon,
2 Hilary Baker,
3 George Roberts,
4 William Lewis,
5 George Gray,
6 William Robinſon, junior,
7 Samuel Ogden,
8 Thomas Jenks,
9 John Barclay,
10 Abraham Stout,
11 Thomas Bull,
12 Thomas Roſs,
13 James Boyd,
14 Edward Hand,
15 Robert Coleman,
16 Sebaſtian Graff,
17 John Hubley,
18 John Breckbill,
19 Henry Miller,
20 Henry Slegle,
21 William Reed,
22 Benjamin Tyſon,
23 Benjamin Pedan,
24 Matthew Dill,
25 Robert Whitehill,
26 James Power,
27 Abraham Lincoln,
28 Paul Groſcop,
29 Baltzer Gehr,
30 John Arndt,
31 Peter Rhoads,
32 Joſeph Powell,
33 Charles Smith,
34 William Findley,
35 William Todd,
36 Alexander Addiſon,
37 John Hoge,
38 James Roſs,
39 John Smilie,
40 Albert Gallatin,
41 James M'Lene,
42 George Matthews,
43 James Morris,
44 Samuel Potts,
45 Lindſay Coates,
46 Jonathan Shoemaker,
47 William Brown,
48 Alexander Graydon,
49 Timothy Pickering,
50 Andrew Henderſon,
51 John Gibſon,
52 John Sellers.

NAYS.	NAYS.
1 Enoch Edwards,	5 Simon Snyder,
2 William Gibbons,	6 David Redick,
3 Samuel Sitgreaves,	7 John Gloninger.
4 John Piper,	

So it was carried in the affirmative.

A motion was made by Mr. Miller, ſeconded by Mr. Pickering,

To ſtrike out the word *miſconduct*.

It was then moved by Mr. Sitgreaves, ſeconded by Mr. James Roſs,

To add, after the word " Legiſlature," the words *or upon the conviction of any crime*.

A motion was made by Mr. Findley, ſeconded by Mr. Smilie,

To ſtrike out the word *may*, and, in lieu thereof, to inſert the word *ſhall*.

Which was determined in the negative.

It was then moved by Mr. Addiſon, ſeconded by Mr. Hoge,

To ſtrike out the words *and may be removed for miſconduct upon the addreſs of the Legiſlature*, and, in lieu thereof, to inſert the following: *But may be removed on conviction for miſbehaviour in office or any infamous crime, or on the addreſs of both houſes of the Legiſlature*.

Which was carried in the affirmative, and the ſecond part of the ſaid ſection agreed to.

Whereupon,

On the queſtion—" Will the Committee adopt the ſaid ſection, as amended, to be inſerted as the tenth ſection of the ſaid propoſed conſtitution, *viz.* The Governor ſhall appoint and commiſſion a competent number of Juſtices of the Peace in convenient diſtricts, to be fixed in ſuch manner as ſhall be, by law, directed. They ſhall be commiſſioned during good behaviour: But may be removed on conviction for miſbehaviour in office or any infamous crime, or on the addreſs of both Houſes of the Legiſlature?"

It was determined in the affirmative.

The twelfth ſection of the fifth article of the propoſed conſtitution being under conſideration, the ſame was adopted as the eleventh ſection, *viz.*

Section XI. A Regiſter's office for the probate of wills and granting letters of adminiſtration, and an office for the recording of deeds ſhall be kept in each county.

The thirteenth ſection of the fifth article of the ſaid propoſed conſtitution being under conſideration,

A motion was made by Mr. Smith, ſeconded by Mr. Addiſon,

To amend the ſame ſo as to read as follows, *viz.*

Section XII. Prothonotaries, Clerks of the Peace and Orphans' Courts, Recorders of Deeds, Regiſters of Wills, and Sheriffs ſhall keep their offices in the county town of the county in which they reſpectively ſhall be officers.

Which was carried in the affirmative, and adopted as the twelfth ſection of the ſaid article.

The fourteenth ſection of the fifth article of the ſaid propoſed conſtitution being under conſideration, the ſame was adopted as the thirteenth ſection of the ſaid article, as follows, *viz.*

Section

Section XIII. The ſtile of all proceſs ſhall be *The Commonwealth of Pennſylvania:* All proſecutions ſhall be carried on in the name and by the authority of the Commonwealth of Pennſylvania, and ſhall conclude *Againſt the peace and dignity of the ſame.*

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and requeſt leave to ſit again.

Thurſday, January 28, 1790. A. M.

The firſt ſection of the fifth article of the propoſed conſtitution, as amended, recurring, *viz.*

The Judicial Power of this commonwealth ſhall be veſted in a Supreme Court, the juriſdiction of which ſhall extend over the ſtate; in the Courts of Oyer and Terminer and General Gaol Delivery herein after mentioned; in a Court of Common Pleas, Orphans' Court, Regiſter's Court and Court of Quarter Seſſions for each county, and in ſuch other Courts as the Legiſlature may, from time to time, eſtabliſh. But no ſpecial commiſſion of Oyer and Terminer or General Gaol Delivery ſhall be iſſued.

A motion was made by Mr. Wilſon, ſeconded by Mr. Smith,

To amend the firſt ſection ſo as to read as follows, *viz.*

The Judicial Power of this Commonwealth ſhall be veſted in a Supreme Court, in the Courts of Oyer and Terminer and General Gaol Delivery, in a Court of Common Pleas, Orphans' Court, Regiſter's Court, and Court of Common Pleas for each county, in Juſtices of the Peace, and in ſuch *other courts* as the Legiſlature may, from time to time, eſtabliſh.

It was moved by Mr. M'Kean, ſeconded by Mr. Wilſon,

To inſert the words *of law and equity* after the words *other courts.*

Which was carried in the affirmative,

And the ſection propoſed by Mr. Wilſon, together with the amendment of Mr. M'Kean, adopted as the firſt ſection of the ſaid fifth article.

The ſecond ſection of the ſaid fifth article recurring,

It was moved by Mr. Smith, ſeconded by Mr. M'Kean,

To amend the ſaid ſection ſo as to read as follows, *viz.*

The Judges of the Supreme Court and the ſeveral Courts of Common Pleas ſhall be commiſſioned and hold their offices during good behaviour: But the Governor may remove any of them on the addreſs of two-thirds of each branch of the Legiſlature. The Judges of the Supreme Court and the Preſidents of the ſeveral Courts of Common Pleas ſhall, at ſtated times, receive for their ſervices an adequate compenſation, which ſhall not be *diminiſhed* during their continuance in office.

A motion was made by Mr. Smilie, ſeconded by Mr. Stout,

To inſert the words *encreaſed or* before the word *diminiſhed.*

And the Yeas and Nays being called by Mr. Smilie, were as follow, *viz.*

YEAS.	YEAS.
1 Abraham Stout,	4 Albert Gallatin,
2 John Piper,	5 James M'Lene,
3 John Smilie,	6 Thomas Beale.

NAYS.

NAYS.		NAYS.	
1	James Wilſon,	30	James Power,
2	Hilary Baker,	31	Abraham Lincoln,
3	George Roberts,	32	Paul Groſcop,
4	Thomas M'Kean,	33	Baltzer Gehr,
5	Thomas Mifflin,	34	Samuel Sitgreaves,
6	George Gray,	35	John Arndt,
7	William Robinſon, junior,	36	Peter Rhoads,
8	Robert Hare,	37	Joſeph Powell,
9	Enoch Edwards,	38	Charles Smith,
10	Samuel Ogden,	39	Simon Snyder,
11	Thomas Jenks,	40	William Findley,
12	John Barclay,	41	William Todd,
13	William Gibbons,	42	Alexander Addiſon,
14	Thomas Bull,	43	John Hoge,
15	Thomas Roſs,	44	David Redick,
16	James Boyd,	45	James Roſs,
17	Edward Hand,	46	George Matthews,
18	Robert Coleman,	47	James Morris,
19	Sebaſtian Graff,	48	Samuel Potts,
20	William Atlee,	49	Lindſay Coates,
21	John Hubley,	50	Jonathan Shoemaker,
22	John Breckbill,	51	John Gloninger,
23	Henry Miller,	52	William Brown,
24	Henry Slegle,	53	Alexander Graydon,
25	William Reed,	54	Timothy Pickering,
26	Benjamin Tyſon,	55	Andrew Henderſon,
27	Benjamin Pedan,	56	John Gibſon,
28	Matthew Dill,	57	John Sellers.
29	Robert Whitehill,		

So it was determined in the negative.

It was moved by Mr. James Roſs, ſeconded by Mr. Gallatin,

To add the following words to the ſaid ſection, *viz.* But they ſhall hold no other office of profit in this commonwealth.

Which was carried in the affirmative,

And the ſaid ſecond ſection, as amended, adopted as follows, *viz.*

Section II. The Judges of the Supreme Court and the Judges of the ſeveral Courts of Common Pleas ſhall be commiſſioned and hold their offices during good behaviour: But the Governor may remove any of them on the addreſs of two-thirds of each branch of the Legiſlature. The Judges of the Supreme Court and the Preſident of the ſeveral Courts of Common Pleas ſhall, at ſtated times, receive for their ſervices an adequate compenſation, which ſhall not be diminiſhed during their continuance in office: But they ſhall hold no other office of profit within this commonwealth.

The third ſection of the fifth article of the ſaid propoſed conſtitution being under conſideration,

On the queſtion—" Will the Committee agree to the ſame?"

It was unanimouſly determinied in the negative.

A motion was then made by Mr. Sitgreaves, ſeconded by Mr. Wilſon,

To introduce the following in the place of the ſaid third ſection, *viz.*

The juriſdiction of the Supreme Court ſhall extend over the whole ſtate, the Judges of the ſame court ſhall, by virtue of their offices, be Juſtices of Oyer and Terminer and General Gaol Delivery in the ſeveral counties. No ſpecial commiſſion of Oyer and Terminer or General Gaol Delivery ſhall be iſſued.

On

On the queſtion—" Will the Committee adopt the ſaid ſection?"

It was carried in the affirmative.

The fourth ſection of the fifth article of the ſaid propoſed conſtitution being under conſideration,

It was moved by Mr. Smilie, ſeconded by Mr. M'Lene,

To poſtpone the conſideration of the ſaid ſection in order to introduce the following, in lieu thereof, *viz.*

The Supreme Court and the ſeveral Courts of Common Pleas ſhall, beſide the powers heretofore exerciſed by ſaid Courts, have the powers of a Court of Chancery, ſo far as relates to the perpetuating of teſtimony, obtaining evidence from places not within the ſtate, and the care of the perſons and eſtates of thoſe who be *non compotes mentis*, and ſuch other powers as may be found neceſſary by future General Aſſemblies, not inconſiſtent with this conſtitution.

A motion was then made by Mr. Addiſon, ſeconded by Mr. Gallatin,

To poſtpone the motion made by Mr. Smilie, in order to introduce the following, in lieu thereof, *viz.*

The Supreme Court and the ſeveral Courts of Common Pleas of this commonwealth, beſide the powers uſually exerciſed by ſuch courts, ſhall have the powers of a Court of Chancery, ſo far as relates to the perpetuating teſtimony, obtaining evidence from places not within the ſtate, and a diſcovery of truth by the oath of the parties and the production of their books and papers, the care of the perſons and eſtates of thoſe who are *non compotes mentis*, the repealing letters patent, to preventing waſte and vexatious ſuits, to obliging proper perſons to interplead, and to giving adequate and ſpecific relief in caſes of agreements, frauds, truſts, powers and accidents. The Legiſlature may, from time to time, regulate the exerciſe of the powers hereby given, and may veſt in the ſeveral courts ſuch other powers as may be neceſſary and not inconſiſtent with this conſtitution.

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and aſk leave to ſit again.

Friday, January 29, 1790. A. M.

Mr. Addiſon withdrew his motion of the twenty-eighth inſtant.

The motion made yeſterday by Mr. Smilie, ſeconded by Mr. M'Lene, recurring,

A motion was made by Mr. Pickering, ſeconded by Mr. Miller,

To poſtpone the fourth ſection of the fifth article, together with the amendment propoſed by Mr. Smilie, in order to introduce the following, *viz.*

The Supreme Court and the ſeveral Courts of Common Pleas, beſide their uſual powers, ſhall have the powers of courts of equity, to give relief in thoſe caſes in which there would be a failure of juſtice by an adherence to the rules of the common law, but in all caſes in equity, proof by witneſſes where their perſonal attendance may reaſonably be required, and the mode of proceeding in all other reſpects ſhall be conformed, as far as may be, to the uſual practice of the Supreme Court and Court of Common Pleas as courts of common law.

On the queſtion—" Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"

It was determined in the negative.

A motion was then made by Mr. Smith, ſeconded by Mr. Redick,

To

To ſtrike out all the words contained in the motion made yeſterday by Mr. Smilie after the words *non compotes mentis*, and, in lieu thereof, to inſert the following, *viz.*

And the Legiſlature ſhall, as ſoon as conveniently may be after their firſt meeting under this conſtitution, veſt in the ſaid courts ſuch other powers to grant relief in equity in all caſes to which common law proceedings are not competent, and ſhall regulate the exerciſe thereof and, from time to time, enlarge, diminiſh or veſt the ſame in ſuch other courts as they ſhall judge neceſſary for the due adminiſtration of juſtice.

It was moved by Mr. Addiſon, ſeconded by Mr. M'Kean,

To inſert, after the words "within the ſtate," the following, *viz.* And from parties to ſuits by their examination on oath or affirmation, and the production of their books and papers.

On the queſtion—"Will the Committee agree to the ſaid amendment?"—The Yeas and Nays being called by Mr. Thomas Roſs, were as follow, *viz.*

YEAS.	YEAS.
1 Hilary Baker,	6 Alexander Addiſon,
2 Thomas M'Kean,	7 Timothy Pickering,
3 William Atlee,	8 Andrew Henderſon,
4 John Hubley,	9 John Sellers.
5 Peter Rhoads,	
NAYS.	NAYS.
1 George Roberts,	28 Paul Groſcop,
2 Thomas Miſflin,	29 Baltzer Gehr,
3 George Gray,	30 Samuel Sitgreaves,
4 William Robinſon, junior,	31 John Arndt,
5 Robert Hare,	32 Joſeph Powell,
6 Enoch Edwards,	33 John Piper,
7 Samuel Ogden,	34 Charles Smith,
8 Thomas Jenks,	35 Simon Snyder,
9 John Barclay,	36 William Findley,
10 Abraham Stout,	37 William Todd,
11 William Gibbons,	38 John Hoge,
12 Thomas Bull,	39 David Redick,
13 Thomas Roſs,	40 James Roſs,
14 James Boyd,	41 John Smilie,
15 Edward Hand,	42 Albert Gallatin,
16 Robert Coleman,	43 James M'Lene,
17 Sebaſtian Graff,	44 George Matthews,
18 John Breckbill,	45 James Morris,
19 Henry Miller,	46 Samuel Potts,
20 Henry Slegle,	47 Lindſay Coates,
21 William Reed,	48 Jonathan Shoemaker,
22 Benjamin Tyſon,	49 John Gloninger,
23 Benjamin Pedan,	50 William Brown,
24 Matthew Dill,	51 Alexander Graydon,
25 Robert Whitehill,	52 John Gibſon,
26 James Power,	53 Thomas Beale.
27 Abraham Lincoln,	

So it was determined in the negative,

And the ſaid fourth ſection, as amended, unanimouſly adopted as follows, *viz.*

Section IV. The Supreme Court and the ſeveral Courts of Common Pleas ſhall, beſide the powers heretofore exerciſed by the ſaid courts, have the power of a Court of Chancery, ſo far as relates to the perpetuating of teſtimony, obtaining evidence from places not within the ſtate, and the care of the perſons and eſtates of thoſe who

are

are *non compotes mentis:* And the Legiſlature ſhall, as ſoon as conveniently may be after their firſt ſitting under this conſtitution, veſt in the ſaid courts ſuch other powers to grant relief in equity in all caſes to which common law proceedings are not competent, and ſhall regulate the exerciſe thereof and, from time to time, enlarge, diminiſh or veſt the ſame in ſuch other courts as they ſhall judge neceſſary for the due adminiſtration of juſtice.

Whereupon, on motion of Mr. Sitgreaves, ſeconded by Mr. Ogden,

Ordered, That the ſaid ſection be placed as the ſixth ſection of the ſaid fifth article.

The firſt ſection of the ſixth article of the propoſed conſtitution being under conſideration, *viz.*

Sheriffs and Coroners ſhall, at the places of the election of Repreſentatives, be choſen *for three years* by the citizens of each county reſpectively; two perſons ſhall be choſen for each office, one of whom for each ſhall be commiſſioned by the Governor; no perſon ſhall continue in the office of Sheriff more than *three* years *ſucceſſively.*

A motion was made by Mr. Hubley, ſeconded by Mr. Coleman,

To ſtrike out the words *for three years*, and, in lieu thereof, to inſert the word *annually.*

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Hubley, were as follow, *viz.*

YEAS.		YEAS.	
1	Hilary Baker,	15	Paul Groſcop,
2	George Gray,	16	Baltzer Gehr,
3	Thomas Jenks,	17	John Arndt,
4	Abraham Stout,	18	Joſeph Powell,
5	Robert Coleman,	19	John Piper,
6	Sebaſtian Graff,	20	John Smilie,
7	John Hubley,	21	James M'Lene,
8	John Breckbill,	22	George Matthews,
9	Benjamin Tyſon,	23	James Morris,
10	Benjamin Pedan,	24	Lindſay Coates,
11	Matthew Dill,	25	Jonathan Shoemaker,
12	Robert Whitehill,	26	John Gloninger,
13	James Power,	27	Thomas Beale.
14	Abraham Lincoln,		

NAYS.		NAYS.	
1	George Roberts,	18	Peter Rhoads,
2	William Lewis,	19	Charles Smith,
3	Thomas M'Kean,	20	Simon Snyder,
4	Thomas Miflin,	21	William Findley,
5	William Robinſon, junior,	22	William Todd,
6	Robert Hare,	23	Alexander Addiſon,
7	Enoch Edwards,	24	John Hoge,
8	Samuel Ogden,	25	David Rêdick,
9	William Gibbons,	26	James Roſs,
10	Thomas Roſs,	27	Albert Gallatin,
11	James Boyd,	28	Samuel Potts,
12	Edward Hand,	29	William Brown,
13	William Atlee,	30	Alexander Graydon,
14	Henry Miller,	31	Timothy Pickering,
15	Henry Slegle,	32	Andrew Henderſon,
16	William Reed,	33	John Gibſon,
17	Samuel Sitgreaves,	34	John Sellers.

So

So it was determined in the negative.

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Smith,

To ſtrike out the word *ſucceſſively*, and, in lieu thereof, to inſert the words *in any term of nine years*.

It was moved by Mr. Addiſon, ſeconded by Mr. Miller,

To inſert the words *in any term of ſix years*.

It was then unanimouſly agreed to ſtrike out the word *ſucceſſively*.

On the queſtion—" Will the Committee agree to inſert the words *in any term of nine years?*"—The Yeas and Nays being called by Mr. Sitgreaves, were as follow, *viz.*

YEAS.		YEAS.	
1	William Robinſon, junior,	9	Joſeph Powell,
2	Robert Hare,	10	John Piper,
3	Enoch Edwards,	11	Charles Smith,
4	Sebaſtian Graff,	12	William Findley,
5	Robert Whitehill,	13	David Redick,
6	James Power,	14	James Morris,
7	Samuel Sitgreaves,	15	Alexander Graydon.
8	John Arndt,		

NAYS.		NAYS.	
1	Hilary Baker,	25	Abraham Lincoln,
2	George Roberts,	26	Paul Groſcop,
3	William Lewis,	27	Baltzer Gehr,
4	Thomas M'Kean,	28	Peter Rhoads,
5	Thomas Mifflin,	29	Simon Snyder,
6	George Gray,	30	William Todd,
7	Samuel Ogden,	31	Alexander Addiſon,
8	Thomas Jenks,	32	John Hoge,
9	John Barclay,	33	James Roſs,
10	Abraham Stout,	34	John Smilie,
11	William Gibbons,	35	Albert Gallatin,
12	Thomas Roſs,	36	James M'Lene,
13	James Boyd,	37	George Matthews,
14	Edward Hand,	38	Samuel Potts,
15	Robert Coleman,	39	Lindſay Coates,
16	William Atlee,	40	Jonathan Shoemaker,
17	John Hubley,	41	John Gloninger,
18	John Breckbill,	42	William Brown,
19	Henry Miller,	43	Timothy Pickering,
20	Henry Slegle,	44	Andrew Henderſon,
21	William Reed,	45	John Gibſon,
22	Benjamin Tyſon,	46	Thomas Beale,
23	Benjamin Pedan,	47	John Sellers.
24	Matthew Dill,		

So it was determined in the negative.

On the queſtion—" Will the Committee agree to inſert the words *in any term of ſix years?*"

It was carried in the affirmative,

And the ſaid ſection, as amended, adopted as follows, *viz.*

Section

Section I. Sheriffs and Coroners shall, at the places of the election of Representatives, be chosen for three years. by the citizens of each county respectively; two persons shall be chosen for each office, one of whom for each shall be commissioned by the Governor; no person shall exercise the office of Sheriff more than three years in any term of six years.

The second section of the sixth article of the said proposed constitution being under consideration the same was adopted as follows, *viz.*

Section II. The freemen of this commonwealth shall be armed and disciplined for its defence: The militia officers shall be appointed in such manner, and for such time, as shall be, by law, directed.

On motion,

Ordered, That two copies of the fifth and sixth articles of the said proposed constitution be printed for the use of each member.

The seventh article being then under consideration, *viz.*

All debts contracted and engagements entered into before the establishment of this constitution shall be as valid *against the Commonwealth under this constitution*, as they have been heretofore.

It was moved by Mr. Lewis, seconded by Mr. M'Lene,

To strike out the words *against the Commonwealth under this constitution.*

Which was carried in the affirmative.

It was then moved by Mr. Pickering, seconded by Mr. M'Kean,

To prefix the following words to the said article, *viz.* That there may be no doubt relative to the force of former engagements, it is declared, that

Whereupon,

On motion of Mr. Lewis, seconded by Mr. M'Kean,

Ordered, That the debates on the said article be adjourned.

On motion of Mr. Ogden, seconded by Mr. Edwards,

Resolved, unanimously, that the thanks of this Committee be given to the honorable Mr. M'Kean for his able and impartial conduct while Chairman thereof.

The Committee then rose in order to report, That they had made further progress in the business referred to them, and request leave to sit again.

Saturday, January 30, 1790. A. M.

The following note was received, addressed to the Chairman, from the honorable Mr. M'Kean, *viz.*

PERMIT me, Sir, to acknowledge the grateful sense I entertain of the favorable opinion expressed by this honorable Committee respecting my conduct while in the chair, and to assure them, as it shall always be my study to merit, so it will afford me the sincerest pleasure to obtain, their approbation.

The seventh article recurring, together with the several amendments,

A motion was made by Mr. Addison, seconded by Mr. Henderson,

To re-consider the first section of the sixth article of the said proposed constitution adopted yesterday, in order to strike out the words *for three years*," and to insert, after

after the word *Governor*, the following, *viz.* They ſhall hold their offices for three years, and until a ſucceſſor be duly qualified. But no perſon ſhall be twice choſen or appointed as Sheriff in any term of ſix years.

On the queſtion—" Will the Committee agree to re-conſider for the aforeſaid purpoſe?"

It was determined in the affirmative,

And the ſaid ſection adopted as follows, *viz.*

Section I. Sheriffs and Coroners ſhall, at the places of the election of Repreſentatives, be choſen by the citizens of each county reſpectively; two perſons ſhall be choſen for each office, one of whom for each ſhall be commiſſioned by the Governor; they ſhall hold their offices for three years, and until a ſucceſſor be duly qualified. But no perſon ſhall be twice choſen or appointed as Sheriff in any term of ſix years.

A motion was made by Mr. Addiſon, ſeconded by Mr. Graydon,

To introduce the following as the ſecond ſection of the ſaid ſixth article, *viz.*

In caſe of the reſignation, death, or removal from office of the Sheriff or Coroner of any county, the Governor may appoint a ſucceſſor to hold his office until one of two perſons who ſhall be elected at the enſuing general election, ſhall be duly appointed.

It was then moved by Mr. Thomas Roſs, ſeconded by Mr. Gibbons,

To poſtpone the conſideration of the motion made by Mr. Addiſon, ſeconded by Mr. Graydon, in order to introduce the following in lieu thereof, *viz.*

The General Aſſembly ſhall make proviſion for ſupplying vacancies in the offices of Sheriffs or Coroners, occaſioned by death, reſignation or diſqualification.

On the queſtion—" Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"

It was determined in the negative.

The ſeventh article of the ſaid propoſed conſtitution again recurring,

It was, on motion of Mr. Findley, ſeconded by Mr. Ogden,

Ordered, That the debates thereon be poſtponed.

DUPLICATE SOLD

The firſt ſection of the eighth article of the propoſed conſtitution being under conſideration, *viz.*

A ſchool or ſchools ſhall be eſtabliſhed in each county for the inſtruction of youth, and the ſtate ſhall pay to the maſters ſuch ſalaries as ſhall enable them to teach at low prices.

It was moved by Mr. M'Kean, ſeconded by Mr. Findley,

To add the following words to the ſaid ſection, viz. *and the poor gratis.*

A motion was then made by Mr. Pickering, ſeconded by Mr. Sitgreaves,

To poſtpone the conſideration of the ſaid firſt ſection, with the amendment propoſed by Mr. M'Kean, in order to introduce the following in lieu of the firſt and ſecond ſections of the ſaid eighth article, *viz.*

Knowledge generally diffuſed among the people being eſſential to the preſervation of their rights, it ſhall be the duty of the Legiſlature to provide for the inſtruction of children and youth, by the eſtabliſhment of ſuch ſchools in the ſeveral counties throughout the commonwealth. And the arts, ſciences and all uſeful learning ſhall be further promoted in one or more univerſities.

On the queſtion—" Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"

It was determined in the negative.

The firſt ſection of the ſaid eighth article recurring, together with the amendment propoſed by Mr. M'Kean,

On the queſtion—" Will the Committee agree to the ſame?"

It was determined in the negative.

The ſecond ſection of the ſaid eighth article being under conſideration, *viz.*

The arts, ſciences, and all uſeful learning ſhall be promoted in one or more univerſities.

On the queſtion—" Will the Committee agree to the ſame?"

It was determined in the negative.

The third ſection of the ſaid eighth article being then under conſideration,

It was, on motion of Mr. Smilie, ſeconded by Mr. Gallatin,

Ordered, That the further conſideration thereof be poſtponed.

The Committee then reſumed the conſideration of the fifteenth ſection of the ſecond article of the ſaid propoſed conſtitution, poſtponed on the ſixteenth of January, inſtant, *viz.*

The State Treaſurer ſhall be appointed annually, by the joint vote of both *Houſes:* All ſubordinate officers in the Treaſury Department, Election Officers, Officers relating to the poor and high-ways, Conſtables *and other* Townſhip Officers ſhall be appointed in ſuch manner as ſhall be directed by law.

It was moved by Mr. M'Lene, ſeconded by Mr. Shoemaker,

To amend the ſaid ſection by adding after the words *and other* the following: *County and.*

Which was determined in the negative.

A motion was then made by Mr. Pickering, ſeconded by Mr. Ogden,

To amend the ſaid ſection by ſtriking out the remainder after the word *Houſes*, and in lieu thereof to inſert the following, *viz.* All other officers in the Treaſury Department, Election officers, Officers relating to taxes, to the poor and highways, Conſtables and other Townſhip Officers ſhall be appointed in ſuch manner as is or ſhall be directed by law.

Which was carried in the affirmative, and the ſaid ſection adopted as follows, *viz.*

Section XV. The State Treaſurer ſhall be appointed annually by the joint vote of both Houſes: All other officers in the Treaſury Department, Election Officers, Officers relating to taxes, to the poor and highways, Conſtables and other Townſhip Officers ſhall be appointed in ſuch manner as is or ſhall be directed by law.

The ſecond ſection of the fourth article being under conſideration,

It was moved by Mr. Pickering, ſeconded by Mr. Sitgreaves,

To ſtrike out the word *before*, and inſert in lieu thereof the word *by.*

Which was carried in the affirmative,

And the words *The Chancellor of the commonwealth ſhall preſide therein* unanimouſly agreed to be ſtruck out.

And thereupon, the ſaid ſection was adopted as follows, *viz.*

Section II. All impeachments ſhall be tried by the Senate. When ſitting for that purpoſe the Senators ſhall be on oath or affirmation: No perſon ſhall be convicted without the concurrence of two thirds of the members preſent.

A motion was made by Mr. Redick, ſeconded by Mr. M'Lene,

To re-conſider the third ſection of the ſaid fourth article, in order to inſert after the word *commonwealth*, the words *for ſuch term as the Senators ſhall determine.*

Which was determined in the negative.

The firſt ſection of the third article being under conſideration,

A motion was made by Mr. Addiſon, ſeconded by Mr. Smilie,

To

To poſtpone the debates on the ſaid ſection until Tueſday next.

Which was determined in the affirmative.

It was moved by Mr. Addiſon, ſeconded by Mr. Miller,

To re-conſider the ſecond and third ſections of the ſecond article of the propoſed conſtitution, in order to introduce the following in lieu thereof, *viz.*

Section II. The Governor ſhall be choſen on the ſecond Tueſday of October, *when occaſion ſhall require*, by the citizens throughout the ſtate, at the places where they ſhall reſpectively vote for Repreſentatives. Returns of election for Governor ſhall be made to the General Aſſembly, and when two or more are equal and higheſt in votes, the General Aſſembly ſhall, by joint vote of both Houſes, chooſe one of them to be Governor for the enſuing three years. In caſe of conteſted elections, the ſame ſhall be judged of and determined by a committee to be ſelected from both Houſes of the Legiſlature, in ſuch manner as ſhall be by law directed. *During the trial of conteſted elections*, the Speaker of the *Senate* ſhall exerciſe the office of Governor.

Section III. The Governor ſhall hold his office during the term of three years, from the firſt Tueſday of December next enſuing his election, and ſhall not be capable of holding his office longer than nine years in any term of twelve years.

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and requeſt leave to ſit again.

Monday, February 1, 1790. A. M.

The motion made by Mr Addiſon, January 30, to re-conſider the ſecond and third ſections of the ſecond article of the propoſed conſtitution, recurring.

On the queſtion—" Will the Committee agree to re-conſider in order to take into conſideration the ſections propoſed to be inſerted in lieu of the ſaid ſecond and third ſections?"

It was determined in the affirmative,

And the ſaid ſections moved by Mr. Addiſon being under conſideration, *viz.*

Section II. The Governor ſhall be choſen on the ſecond Tueſday of October, *when occaſion ſhall require*, by the citizens throughout the commonwealth, at the places where they ſhall reſpectively vote for Repreſentatives. Returns of election for Governor ſhall be made to the General Aſſembly, and when two or more are equal and higheſt in votes, the General Aſſembly ſhall, by joint vote of both Houſes, chooſe one of them to be Governor for the enſuing year. In caſe of conteſted elections, the ſame ſhall be judged of and determined by a committee to be ſelected from both Houſes of the Legiſlature, in ſuch manner as ſhall be by law directed. *During the trial of conteſted elections*, the Speaker of the *Senate* ſhall exerciſe the office of Governor.

Section III. The Governor ſhall hold his office during the term of three years, from the firſt Tueſday of December next enſuing his election, and ſhall not be capable of holding his office longer than nine years in any term of twelve years.

It was moved by Mr. Pickering, ſeconded by Mr. M'Kean,

To ſtrike out, in the ſecond ſection, the words *when occaſion ſhall require.*

Which was carried in the affirmative.

A motion was then made by Mr. Pickering, ſeconded by Mr. M'Kean,

To amend the ſaid ſecond ſection ſo as to read as follows, *viz.*

Section

Section II. The Governor shall be chosen on the second Tuesday of October by the citizens throughout the commonwealth, at the places where they shall respectively vote for Representatives. The returns of every election for Governor shall be transmitted to the seat of the Government, directed to the Speaker of the Senate, who shall open and publish the same in the presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but if it should so happen that any two or more should be equal and highest in votes, the General Assembly shall choose one of them for Governor by the joint vote of both Houses.

Which was determined in the affirmative.

It was moved by Mr. Sitgreaves, seconded by Mr. Smith,

To insert in the said second section, after the words *During the trial of contested elections*, the words *The Governor of the last year or*, and after the word *Senate* the following: *as the case may be.*

Which was determined in the negative,

And the section, with the amendment proposed by Mr. Pickering, seconded by Mr. M'Kean, adopted.

The third section of the second article, proposed by Mr Addison, being under consideration—

It was moved by Mr. M'Kean, seconded by Mr. Sellers,

To strike out the word *first*, and to insert in lieu thereof the word *third.*

Which was carried in the affirmative,

And the said section, as amended, adopted.

A motion was made by Mr. Pickering, seconded by Mr. Smilie,

To re-consider the fifteenth section of the second article of the proposed constitution, *viz.*

In case of the death or resignation of the Governor, or of his removal from office, it shall devolve on the Speaker of the Senate until the next annual election of Representatives, when another Governor shall be chosen in the manner herein before mentioned.

On the question—" Will the Committee agree to re-consider the said section?"

It was determined in the affirmative.

A motion was made by Mr. Pickering, seconded by Mr. M'Kean,

To add the following words to the said section, *viz.* And until such newly elected Governor shall be duly qualified and commence the exercise of his office.

Which was carried in the affirmative,

And the said third section, as amended adopted.

Mr. Findley then called for his motion made the sixteenth day of January last, respecting the appointment of a Secretary, and the same being under consideration—

It was moved by Mr. M'Kean, seconded by Mr. Findley,

To amend the same so as to read as follows, *viz.*

A Secretary shall be commissioned by the Governor. He shall countersign all commissions signed by the Governor, and all orders drawn by him on the Treasury of the state for monies appropriated, as well as tavern and marriage licences. He shall keep fair journals of the proceedings of the Supreme Executive Department, to be laid before either House of the Assembly when called for, and shall attend the official orders of the Governor, or either House when required.

Which was carried in the affirmative.

It was then moved by Mr. M'Lene, seconded by Mr, M'Kean,

To

To insert, after the words *A Secretary shall be*, the words *appointed and*

Which was determined in the affirmative.

A motion was then made by Mr. Gray, seconded by Mr. Henderson,

To postpone the debates on the said section.

Which was determined in the negative.

It was then moved by Mr. Sitgreaves, seconded by Mr. Findley,

To amend the said third section so as to read as follows, *viz.*

A Secretary shall be appointed and commissioned by the Governor. He shall be keeper of the seals of the state, and shall, under the direction of a committee of both branches of the Legislature, affix the seal to the laws when the same shall be enacted. He shall countersign *and register* all *commissions* signed by the Governor, *and all orders drawn by him for monies appropriated*, as well as marriage, tavern and other licences. He shall have the custody of all public acts, official documents and state papers which shall be addressed, or belong, to the *Legislative and* Executive Departments, to be laid before the Governor or either house when called for. He shall attend the Governor or either House when required, and shall perform all such other duties as shall be enjoined him by future acts of the Legislature.

It was moved by Mr. M'Kean, seconded by Mr. Pickering,

To insert, after the word *commissions*, the words *charters of pardon, and patents for land.*

Which was carried in the affirmative.

A motion was then made by Mr. M'Kean, seconded by Mr. Pickering,

To strike out the words *and register*, and the words *and all orders drawn by him for monies appropriated.*

Which was carried in the affirmative.

It was thereupon moved by Mr. Smith, seconded by Mr. Brown,

To strike out the words *Legislative and*

Which was determined in the affirmative.

The section, as amended, being then under consideration, *viz.*

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Section XVII. A Secretary shall be appointed and commissioned by the Governor. He shall be Keeper of the Seals of the state, and shall, under the direction of a committee of both branches of the Legislature, affix the seal to the laws when the same shall be enacted. He shall countersign all commissions, charters of pardon, and patents for land, signed by the Governor, as well as marriage, tavern and other licences. He shall have the custody of all public acts, official documents and state papers which shall be addressed, or belong, to the Executive Department, to be laid before the Governor or either House when called for. He shall attend the Governor or either House when required, and shall perform all such other duties as shall be enjoined him by future acts of the Legislature.

On the question—" Will the Committee agree to the same?"—The Yeas and Nays being called by Mr. Smith, were as follow, *viz.*

YEAS.		YEAS.	
1	George Roberts,	9	Abraham Lincoln,
2	Thomas M'Kean,	10	Baltzer Gehr,
3	Thomas Mifflin,	11	Peter Rhoads,
4	William Atlee,	12	Joseph Powell,
5	Henry Slegle,	13	John Piper,
6	Benjamin Pedan,	14	William Findley,
7	Robert Whitehill,	15	William Todd,
8	Joseph Heister,	16	Alexander Addison,

YEAS.		YEAS.	
17	John Hoge,	24	James Morris,
18	David Redick,	25	Lindſay Coates,
19	James Roſs,	26	John Gloninger,
20	John Smilie,	27	William Brown,
21	Albert Gallatin,	28	Alexander Graydon,
22	James M'Lene,	29	Timothy Pickering,
23	George Matthews,	30	Thomas Beale.

NAYS.		NAYS.	
1	Hilary Baker,	14	Henry Miller,
2	George Gray,	15	William Reed,
3	William Robinſon, junior,	16	Benjamin Tyſon,
4	Robert Hare,	17	Matthew Dill,
5	Thomas Jenks,	18	Samuel Sitgreaves,
6	John Barclay,	19	John Arndt,
7	Abraham Stout,	20	Charles Smith,
8	William Gibbons,	21	Simon Snyder,
9	Thomas Roſs,	22	James Power,
10	James Boyd,	23	Andrew Henderſon,
11	Edward Hand,	24	John Gibſon,
12	Sebaſtian Graff,	25	John Sellers.
13	John Breckbill,		

So it was determined in the affirmative,

And adopted as the ſeventeenth ſection of the ſecond article of the propoſed conſtitution.

A motion was made by Mr. Gallatin, ſeconded by Mr. Smilie, as follows, *viz.*

The ſtate ſhall be divided into diſtricts for the purpoſe of electing members of the Houſe of Repreſentatives of the United States, in ſuch manner as that the citizens of each diſtrict ſhall be entitled to elect not more than Repreſentatives: And the number of Repreſentatives to be elected by the ſtate, ſhall be apportioned between the ſaid diſtricts in proportion to the number of taxable inhabitants contained in each.

It was then moved by Mr. Gallatin, ſeconded by Mr. Smilie,

To adjourn the debates on the ſaid motion.

Whereupon,

On motion,

The Committee roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and requeſt leave to ſit again.

Tueſday, February 2, 1790. A. M.

The firſt ſection of the third article of the propoſed conſtitution, together with the amendments poſtponed on the eighteenth of January laſt, being under conſideration,

A motion was made by Mr. M'Kean, ſeconded by Mr. M'Lene,

To poſtpone the ſaid ſection, with the amendments, in order to introduce the following, in lieu thereof, *viz.*

Every male *citizen* being twenty-one years *of age*, who *has reſided* in the ſtate two years next before the days of election, and paid ſtate or county taxes within that time, which ſhall have been aſſeſſed at leaſt ſix months before the ſaid election, *or having*

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a freehold eſtate within the city or county of the annual income of three pounds, or any eſtate of the value of fifty pounds, though he may not have paid taxes, ſhall enjoy the right of an elector; and every male perſon, of the age aforeſaid, who ſhall have been born in any of the United States, and reſided in this ſtate for one year next before the election, having either of the qualifications aforeſaid, ſhall alſo be entitled to the right of an elector.

It was moved by Mr. Lewis, ſeconded by Mr. Smilie,

To ſtrike out, from the ſaid propoſed amendment, the words *or having a freehold eſtate within the city or county of the annual income of three pounds, or any eſtate of the value of fifty pounds, though he may not have paid taxes.*

Which was determined in the affirmative.

A motion was then made by Mr. Addiſon, ſeconded by Mr. Gallatin,

To ſtrike out the word *citizen* and the words *has reſided*, and, in lieu of the former, to inſert *inhabitant*, and of the latter, the words *has been a reſident citizen.*

Which was determined in the affirmative,

And thereupon,

Agreed to ſtrike out the remainder of the ſaid ſection after the words *ſhall enjoy the right of an elector.*

It was moved by Mr. Pickering, ſeconded by Mr. M'Kean,

To inſert, after the words *of age*, the following: *Who is a native of the United States, and has reſided one year in this ſtate, and every other male inhabitant.*

Which was determined in the negative.

On the queſtion—" Will the Committee agree to the ſection as amended?"

It was determined in the negative.

The Committee then reſumed the conſideration of the ſaid ſection as reported by the committee of nine, together with the amendments poſtponed on the eighteenth of January laſt, *viz.*

In elections by the citizens, every freeman of the age of twenty-one years, having reſided in the ſtate two years next before the days of election reſpectively, and paid public ſtate or county taxes within that time, which tax ſhall have been aſſeſſed upon him at leaſt ſix months before the election, ſhall enjoy the right of an elector. The ſons of freeholders of the age aforeſaid, ſhall be entitled to vote, though they have not paid taxes.

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Smith,

To amend the ſecond clauſe of the ſaid ſection, ſo as to read as follows, *viz.*

The ſons of freeholders, qualified as aforeſaid, between the ages of twenty-one and twenty-two years, ſhall be entitled to vote although they have not paid taxes.

Which was determined in the negative.

On the queſtion—" Will the Committee agree to the latter part of the ſaid ſection?"

It was determined in the negative,

And the firſt part, as amended, adopted as the firſt ſection of the third article of the ſaid propoſed conſtitution, as follows, *viz.*

Section I. In elections by the citizens every freeman of the age of twenty-one years, having reſided in the ſtate two years next before the days of election reſpectively, and paid public ſtate or county taxes within that time, which tax ſhall have been aſſeſſed upon him at leaſt ſix months before the election, ſhall enjoy the right of an elector.

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The motion made yesterday by Mr. Gallatin, seconded by Mr. Smilie, to divide the state into districts for the purpose of electing members of the House of Representatives of the United States, being withdrawn,

The Committee proceeded to take into consideration the Bill of Rights, being the ninth article of the proposed constitution reported by the committee of nine, and the first section being under debate the same was adopted as follows, *viz.*

Section I. That all men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

The second section of the said ninth article, or Bill of Rights, being under consideration, *viz.*

That all power being originally *vested* in, is derived from, the people, and all free governments originate from their will, are founded on their authority, and instituted for their common peace, safety and happiness; *and for the advancement thereof*, they have, at all times, an unalienable *and indefeasible right* to alter, reform or abolish their government, in such manner as they may think proper.

It was moved by Mr. M'Lene, seconded by Mr. Graydon,

To strike out the word *vested*, and, in lieu thereof, to insert the word *inherent*.

Which was determined in the negative.

A motion was made by Mr. M'Kean, seconded by Mr. Sitgreaves,

To strike out the words *And for the advancement thereof*, and, in lieu thereof, to insert the following, *viz.* And when the form thereof shall become destructive of these ends.

On the question—" Will the Committee agree to strike out for the aforesaid purpose?"—The Yeas and Nays being called by Mr. Sitgreaves, were as follow, *viz.*

YEAS.	YEAS.
1 Hilary Baker,	3 Samuel Sitgreaves,
2 Thomas M'Kean,	4 John Hoge.

NAYS.	NAYS.
1 George Roberts,	21 Benjamin Tyson,
2 William Lewis,	22 Benjamin Pedan,
3 Thomas Mifflin,	23 Matthew Dill,
4 George Gray,	24 Robert Whitehill,
5 William Robinson, junior,	25 James Power,
6 Robert Hare,	26 Joseph Heister,
7 Samuel Ogden,	27 Abraham Lincoln,
8 Thomas Jenks,	28 Baltzer Gehr,
9 John Barclay,	29 Thomas Mawhorter,
10 Abraham Stout,	30 John Arndt,
11 William Gibbons,	31 Peter Rhoads,
12 Thomas Ross,	32 Joseph Powell,
13 James Boyd,	33 Charles Smith,
14 Edward Hand,	34 Simon Snyder,
15 Sebastian Graff,	35 William Findley,
16 William Atlee,	36 William Todd,
17 John Breckbill,	37 Alexander Addison,
18 Henry Miller,	38 David Redick,
19 Henry Slegle,	39 James Ross,
20 William Reed,	40 John Smilie,

NAYS.

NAYS.		NAYS.	
41	Albert Gallatin,	49	William Brown,
42	James M'Lene,	50	Alexander Graydon,
43	George Matthews,	51	Timothy Pickering,
44	James Morris,	52	Andrew Henderſon,
45	Samuel Potts,	53	John Gibſon,
46	Lindſay Coates,	54	Thomas Beale,
47	Jonathan Shoemaker,	55	John Sellers.
48	John Gloninger,		

So it was determined in the negative.

It was then moved by Mr. M'Kean, ſeconded by Mr. Roberts,

To inſert, after the words *and indefeaſible right*, the words *in a peaceable and orderly way*.

On the queſtion—"Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Roberts, were as follow, *viz.*

YEAS.		YEAS.	
1	George Roberts,	6	William Atlee,
2	Thomas M'Kean,	7	John Breckbill,
3	Samuel Ogden,	8	Samuel Sitgreaves,
4	Thomas Jenks,	9	Jonathan Shoemaker.
5	Abraham Stout,		

NAYS.		NAYS.	
1	Hilary Baker,	27	Joſeph Powell,
2	William Lewis,	28	John Piper,
3	Thomas Mifflin,	29	Charles Smith,
4	George Gray,	30	Simon Snyder,
5	William Robinſon, junior,	31	William Findley,
6	Robert Hare,	32	William Todd,
7	John Barclay,	33	Alexander Addiſon,
8	William Gibbons,	34	John Hoge,
9	Thomas Roſs,	35	David Redick,
10	James Boyd,	36	James Roſs,
11	Edward Hand,	37	John Smilie,
12	Sebaſtian Graff,	38	Albert Gallatin,
13	Henry Miller,	39	James M'Lene,
14	Henry Slegle,	40	George Matthews,
15	William Reed,	41	James Morris,
16	Benjamin Tyſon,	42	Samuel Potts,
17	Benjamin Pedan,	43	Lindſay Coates,
18	Matthew Dill,	44	John Gloninger,
19	Robert Whitehill,	45	William Brown,
20	James Power,	46	Alexander Graydon,
21	Joſeph Heiſter,	47	Timothy Pickering,
22	Abraham Lincoln,	48	Andrew Henderſon,
23	Balrzer Gehr,	49	John Gibſon,
24	Thomas Mawhorter,	50	Thomas Beale,
25	John Arndt,	1	John Sellers.
26	Peter Rhoads,		

So it was determined in the negative, and the ſaid ſecond ſection adopted as reported by the committee of nine.

The Committee then roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and requeſt leave to ſit again.

Wednesday, February 3, 1790. A. M.

The third section of the Bill of Rights being under consideration, *viz.*

That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences, and that no man *ought or* of right *can* be compelled to attend any religious worship, or to erect or support any place of public worship, or to maintain any ministry, against his free will and consent; and that no human authority can controul or interfere with the rights of conscience in any case whatever; nor shall any preference ever be given, by law, to any religious establishments or modes of worship.

It was moved by Mr. Pickering, seconded by Mr. Smith,

To strike out the words *ought or* and to transpose the word *can* before the words *of right.*

Which was carried in the affirmative,

And the said section, as amended, adopted.

The fourth section of the said Bill of Rights being under consideration, *viz.*

That no person *who acknowledges the being of a God, and a future state of rewards and punishments*, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.

It was moved by Mr. Robinson, seconded by Mr. Graydon,

To strike out the words *and a future state of rewards and punishments.*

A motion was then made by Mr. Robinson, seconded by Mr. Sitgreaves,

To strike out the words *who acknowledges the being of a God, and a future state of rewards and punishments.*

On the question—" Will the Committee agree to strike out the words?"—The Yeas and Nays being called by Mr. Brown, were as follow, *viz.*

YEAS.	YEAS.
1 William Robinson, junior,	8 Albert Gallatin,
2 Robert Hare,	9 Samuel Potts,
3 Samuel Ogden,	10 Alexander Graydon,
4 Samuel Sitgreaves,	11 Timothy Pickering,
5 John Hoge,	12 Andrew Henderson,
6 David Redick,	13 John Sellers.
7 James Ross,	

NAYS.	NAYS.
1 Hilary Baker,	14 Edward Hand,
2 George Roberts,	15 Sebastian Graff,
3 William Lewis,	16 William Atlee,
4 Thomas M'Kean,	17 John Breckbill,
5 Thomas Mifflin,	18 Henry Miller,
6 George Gray,	19 Henry Slegle,
7 Thomas Jenks,	20 William Reed,
8 John Barclay,	21 Benjamin Tyson,
9 Abraham Stout,	22 Benjamin Pedan,
10 William Gibbons,	23 Matthew Dill,
11 Thomas Bull,	24 Robert Whitehill,
12 Thomas Ross,	25 James Power,
13 James Boyd,	26 Joseph Heister,

NAYS.

NAYS.	NAYS.
27 Abraham Lincoln,	38 Alexander Addiſon,
28 Baltzer Gehr,	39 John Smilie,
29 Thomas Mawhorter,	40 James M'Lene,
30 John Arndt,	41 George Matthews,
31 Peter Rhoads,	42 Lindſay Coates,
32 Joſeph Powell,	43 Jonathan Shoemaker,
33 John Piper,	44 John Gloninger,
34 Charles Smith,	45 William Brown,
35 Simon Snyder,	46 John Gibſon,
36 William Findley,	47 Thomas Beale.
37 William Todd,	

So it was determined in the negative.

It was then moved by Mr. Pickering, ſeconded by Mr. Ogden,

To adjourn the debates on the ſaid fourth ſection in order to introduce the following in lieu thereof, *viz.*

That the members of the Legiſlature and all Executive and Judicial officers ſhall be bound by oath or affirmation to ſupport the conſtitution of this ſtate: But no religious teſt ſhall ever be required as a qualification to any office or public truſt under this ſtate.

On the queſtion—" Will the Committee agree to the poſtponement for the aforeſaid purpoſe?"

It was determined in the negative,

And the ſaid fourth ſection, as reported by the committee of nine, adopted.

The fifth ſection of the ſaid Bill of Rights being under conſideration, *viz.*

That elections ſhall be free *and equal.*

It was moved by Mr. Pickering, ſeconded by Mr. Shoemaker,

To ſtrike out the words *and equal.*

Which was determined in the negative.

A motion was then made by Mr. M'Kean, ſeconded by Mr. Tyſon,

To add the following words to the ſaid ſection, viz. *to every perſon entitled to vote.*

Which was determined in the negative.

It was moved by Mr. Gallatin, ſeconded by Mr. Smilie,

To add the following words to the ſaid fifth ſection, *viz.* And that all freemen, having a ſufficient common intereſt in, and attachment to, the community, be entitled to vote.

Which was determined in the negative, and the ſection adopted as reported by the committee of nine.

The ſixth ſection of the ſaid Bill of Rights being under conſideration, *viz.*

That trial by jury ſhall be as heretofore, and the right thereof ſhall remain inviolate.

On the queſtion—" Will the Committee adopt the ſame?"

It was determined in the affirmative.

The ſeventh ſection of the ſaid Bill of Rights being under conſideration, *viz.*

The printing preſſes ſhall be free to every perſon who undertakes to examine the proceedings of the Legiſlature or any branch of government, and no law ſhall ever be made reſtraining the right thereof. The free communication of thoughts and opinions is one of the *moſt* invaluable rights of man, and every citizen may freely ſpeak, write and print, being reſponſible for the abuſe of that liberty.

A motion was made by Mr. Pickering, ſeconded by Mr. M'Kean,

To ſtrike out the word *moſt* contained in the ſaid ſection.

Which was determined in the affirmative.

It was then moved by Mr. Thomas Roſs, ſeconded by Mr. Boyd,

To amend the ſaid ſection by adding the following words: *And in caſe of indictments for libels the truth of the accuſation may be pleaded in bar of the bill.*

A motion was made by Mr. Findley, ſeconded by Mr. Hare,

To poſtpone the ſaid ſection, with the amendment.

Which was determined in the negative.

Mr. Thomas Roſs then withdrew his motion to amend the ſaid ſection.

It was then moved by Mr. Smith, ſeconded by Mr. Findley,

To inſert the words *on any ſubject* after the word *print*, and to add the following words to the ſaid ſeventh ſection, *viz.* Upon indictment for the publication of papers inveſtigating the conduct of individuals in their public capacity, or of thoſe applying or canvaſſing for office, the truth of the facts may be given in evidence in juſtification upon the general iſſue.

Whereupon,

On motion of Mr. Findley, ſeconded by Mr. Addiſon,

Ordered, That the ſaid ſection, together with the amendments, be poſtponed.

The eighth ſection of the ſaid Bill of Rights being under conſideration, the ſame was adopted as follows, *viz.*

That the people ſhall be ſecure in their perſons, houſes, papers and poſſeſſions againſt unreaſonable ſearches and ſeizures, and no warrant ſhall iſſue to ſearch any place, or to ſeize any perſon or things, but on probable cauſe, ſupported by oath or affirmation, and deſcribing them as nearly as may be.

The ninth ſection of the ſaid Bill of Rights being under conſideration, *viz.*

That in all *criminal proſecutions* the accuſed hath a right to be heard by himſelf and his counſel; to demand the cauſe and nature of the accuſation; to meet the witneſſes face to face; to have compulſory proceſs for obtaining witneſſes in his favor, and a ſpeedy public trial by an impartial jury of the *vicinage;* nor can he be compelled to give evidence againſt himſelf; nor can any man be deprived of his life, liberty or property but by the judgment of his peers or the law of the land.

A motion was made by Mr. Gallatin, ſeconded by Mr. Smilie,

To inſert, after the word *vicinage*, the following, *viz.* Without the unanimous conſent of which jury he cannot be found guilty.

On the queſtion—" Will the Committee agree to inſert the ſame?"

It was determined in the negative.

It was then moved by Mr. M'Kean, ſeconded by Mr. Edwards,

To ſtrike out the word *criminal*, and to inſert, after the word *proſecutions*, the following, viz. *by indictment.*

Which was determined in the affirmative,

And the ſaid ninth ſection, as amended, adopted.

The tenth ſection of the ſaid Bill of Rights being under conſideration, the ſame was adopted as follows, *viz.*

That no perſon ſhall be proceeded againſt by information for any indictable offence, except in caſes ariſing in the land or naval forces, or in the militia when in actual ſervice in time of war or public danger; nor ſhall any perſon, for the ſame offence, be twice put into jeopardy of life or limb; nor ſhall any man's property be taken, or applied

to

to public uſe, without the conſent of his Repreſentatives, and on juſt compenſation being made.

The eleventh ſection of the ſaid Bill of Rights being under conſideration, the ſame was adopted as follows, *viz.*

That all courts ſhall be open, and every freeman for an injury done him in his lands, goods, perſon or reputation, ſhall have remedy by the due courſe of the law, and right and juſtice adminiſtered to him without ſale, denial or delay.

The twelfth ſection of the ſaid Bill of Rights being under conſideration, the ſame was adopted as follows, *viz.*

That no power of ſuſpending laws, or the execution thereof, ſhall be exerciſed, unleſs by the Legiſlature or by the authority thereof.

The thirteenth ſection of the ſaid Bill of Rights being under conſideration, the ſame was adopted as follows, *viz.*

That exceſſive bail ſhall not be required, nor exceſſive fines impoſed, or cruel puniſhments inflicted.

The fourteenth ſection of the ſaid Bill of Rights being under conſideration, the ſame was adopted as follows, *viz.*

That all priſoners ſhall be bailable by ſufficient ſureties, unleſs for capital offences, when the proof is evident or the preſumption great, and the privilege of the writ of Habeas Corpus ſhall not be ſuſpended unleſs when, in caſes of rebellion or invaſion, the public ſafety may require it.

The fifteenth ſection of the ſaid Bill of Rights being under conſideration, the ſame was adopted as follows, *viz.*

That the perſon of a debtor, where there is not a ſtrong preſumption of fraud, ſhall not be continued in priſon after delivering up all his eſtate for the benefit of his creditors, in ſuch manner as ſhall be preſcribed by law.

The ſixteenth ſection of the ſaid Bill of Rights being under conſideration, the ſame was adopted as follows, *viz.*

That no *expoſt facto* law, or law impairing contracts ſhall be made.

A motion was made by Mr. Smith, ſeconded by Mr. Henderſon,

To inſert, as the ſeventeenth ſection of the ſaid Bill of Rights, the following, *viz.*

That religious ſocieties and corporate bodies ſhall be protected in their rights, immunities and eſtates.

The Committee roſe in order to report, That they had made further progreſs in the buſineſs referred to them, and requeſt leave to ſit again.

Thurſday, February 4, 1790. A. M.

The motion made yeſterday by Mr. Smith, to be inſerted as the ſeventeenth ſection of the Bill of Rights, being withdrawn,

A motion was made by Mr. Smith, ſeconded by Mr. Sitgreaves,

To inſert the following, as the ſeventeenth ſection of the ſaid Bill of Rights, *viz.*

That religious ſocieties or bodies of men united or incorporated for the advancement of religion and learning, or for other pious and charitable purpoſes, ſhall be protected in the enjoyment of their juſt privileges, immunities and eſtates.

It was moved by Mr. Lewis, ſeconded by Mr. M'Kean,

To adjourn the debates on the ſaid motion, in order to introduce the following, *viz.*

That the rights, immunities and eſtates of religious ſocieties and corporate bodies ſhall be as valid under this conſtitution as they have heretofore been.

A motion was made by Mr. M'Kean, ſeconded by Mr. Pickering,

To adjourn the debates on the ſeveral propoſitions before the committee,

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Sitgreaves, were as follow, *viz.*

YEAS.		YEAS.	
1	Hilary Baker,	26	Abraham Lincoln,
2	William Lewis,	27	Baltzer Gehr,
3	Thomas M'Kean,	28	Thomas Mawhorter,
4	Thomas Mifflin,	29	Peter Rhoads,
5	George Gray,	30	Joſeph Powell,
6	William Robinſon, junior,	31	John Piper,
7	Samuel Ogden,	32	William Findley,
8	Thomas Jenks,	33	William Todd,
9	John Barclay,	34	Alexander Addiſon,
10	Abraham Stout,	35	John Hoge,
11	Thomas Bull,	36	James Roſs,
12	James Boyd,	37	John Smilie,
13	Edward Hand,	38	James M'Lene,
14	Sebaſtian Graff,	39	George Matthews,
15	William Atlee,	40	James Morris,
16	John Breckbill,	41	Samuel Potts,
17	Henry Miller,	42	Lindſay Coates,
18	Henry Slegle,	43	Jonathan Shoemaker,
19	William Reed,	44	John Gloninger,
20	Benjamin Tyſon,	45	William Brown,
21	Benjamin Pedan,	46	Alexander Graydon,
22	Matthew Dill,	47	Timothy Pickering,
23	Robert Whitehill,	48	Andrew Henderſon,
24	Joſeph Heiſter,	49	John Gibſon,
25	Chriſtian Lower,	50	John Sellers.

NAYS.		NAYS.	
1	George Roberts,	6	John Arndt,
2	William Gibbons,	7	Charles Smith,
3	Thomas Roſs,	8	Simon Snyder,
4	James Power,	9	David Redick,
5	Samuel Sitgreaves,	10	Albert Gallatin.

So it was determined in the affirmative, and the debates adjourned.

The ſeventeenth ſection of the ſaid Bill of Rights, as reported by the committee of nine, coming under conſideration, the ſame was adopted as follows, *viz.*

That no perſon ſhall be attainted of treaſon or felony by the Legiſlature.

The eighteenth ſection of the ſaid Bill of Rights being under conſideration, *viz.*

That no attainder ſhall work corruption of blood, or forfeiture of *real* eſtate, *except during the life of the offender.*

A motion was made by Mr. Addiſon, ſeconded by Mr. Gallatin,

To add the following words to the ſaid ſection, *viz.*

The eſtates of ſuch perſons as deſtroy their own lives ſhall go to their repreſentatives as in the caſe of natural death; and if any perſon ſhall be killed by caſualty or accident there ſhall be no forfeiture by reaſon thereof.

Which

Which was carried in the affirmative.

It was then moved by Mr. Ogden, ſeconded by Mr. Power,

To ſtrike out the word *real* before the word *eſtate*, and the words *during the life of the offender*, and to inſert the words *to the commonwealth* after the word *eſtate*.

Which was carried in the affirmative,

And the ſaid eighteenth ſection, with the amendments, adopted as follows, *viz.*

That no attainder ſhall work corruption of blood or forfeiture of eſtate to the commonwealth; the eſtates of ſuch perſons as ſhall deſtroy their own lives ſhall go to their repreſentatives as in the caſe of natural death. And if any perſon ſhall be killed by caſualty or accident there ſhall be no forfeiture by reaſon thereof.

The nineteenth ſection of the ſaid Bill of Rights being under conſideration,

A motion was made by Mr. Roberts, ſeconded by Mr. Shoemaker,

To inſert the following in lieu thereof, *viz.*

That the citizens have a right to aſſemble together in a peaceable manner to conſult for their common good and apply to thoſe inveſted with the powers of government for redreſs of grievances or other proper purpoſes, by petition, addreſs or remonſtrance.

Which was determined in the affirmative.

The twentieth ſection of the ſaid Bill of Rights being under conſideration,

It was moved by Mr. Pickering, ſeconded by Mr. M'Kean,

To amend the ſame ſo as to read as follows, *viz.*

That the right of the citizens to bear arms in defence of themſelves and the ſtate ſhall not be queſtioned; but thoſe who conſciouſly ſcruple to bear arms ſhall not be compellable to do ſo, but ſhall pay an equivalent for perſonal ſervice.

Which was carried in the affirmative,

And the ſaid ſection, as amended, adopted.

The twenty-firſt ſection of the ſaid Bill of Rights being under conſideration, the ſame was adopted as follows, *viz.*

That no ſtanding army ſhall, in time of peace, be kept up without the conſent of the Legiſlature, and the military ſhall, in all caſes and at all times, be kept in ſtrict ſubordination to the civil power.

The twenty-ſecond ſection of the ſaid Bill of Rights being under conſideration, the ſame was adopted as follows, *viz.*

That no ſoldier ſhall, in time of peace, be quartered in any houſe without the conſent of the owner, nor in time of war, but in a manner to be preſcribed by law.

The twenty-third ſection of the ſaid Bill of Rights being under conſideration, *viz.*

That the Legiſlature ſhall at no *time* create any office the appointment to which ſhall be for a longer term than during good behaviour.

It was moved by Mr. Gallatin, ſeconded by Mr. Smilie,

To inſert, after the word *time*, the following, viz. *Grant any title of nobility or hereditary diſtinction, nor*

Which was carried in the affirmative,

And the ſaid ſection, as amended, adopted.

A motion was then made by Mr. M'Lene, ſeconded by Mr. Henderſon,

To inſert the following as the twenty-fourth ſection of the ſaid Bill of Rights, *viz.*

That perpetuities and monopolies are contrary to the nature of a republican government, and ought not to exiſt.

On

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Lewis, were as follow, *viz.*

YEAS.		YEAS.	
1	James Boyd,	7	Alexander Addiſon,
2	Robert Whitehill,	8	John Smilie,
3	Chriſtian Lower,	9	Albert Gallatin,
4	John Piper,	10	James M'Lene,
5	William Findley,	11	George Matthews,
6	William Todd,	12	Andrew Henderſon.

NAYS.		NAYS.	
1	Hilary Baker,	23	Benjamin Pedan,
2	George Roberts,	24	Matthew Dill,
3	William Lewis,	25	James Power,
4	Thomas M'Kean,	26	Baltzer Gehr,
5	Thomas Mifflin,	27	Samuel Sitgreaves,
6	George Gray,	28	John Arndt,
7	William Robinſon, junior,	29	Joſeph Powell,
8	Samuel Ogden,	30	Charles Smith,
9	Thomas Jenks,	31	Simon Snyder,
10	John Barclay,	32	John Hoge,
11	Abraham Stout,	33	David Redick,
12	William Gibbons,	34	James Roſs,
13	Thomas Bull,	35	James Morris,
14	Thomas Roſs,	36	Samuel Potts,
15	Edward Hand,	37	Lindſay Coates,
16	Sebaſtian Graff,	38	Jonathan Shoemaker,
17	William Atlee,	39	John Gloninger,
18	John Breckbill,	40	William Brown,
19	Henry Miller,	41	Alexander Graydon,
20	Henry Slegle,	42	Timothy Pickering,
21	William Reed,	43	John Gibſon,
22	Benjamin Tyſon,	44	John Sellers.

So it was determined in the negative.

A motion was then made by Mr. Pickering, ſeconded by Mr. Redick,

To inſert the following as the twenty-fourth ſection of the ſaid Bill of Rights, *viz.*

That eſtates-tail, being repugnant to the principles of republican government, ſhall not be ſupported; but tenants in tail ſhall be deemed the abſolute owners thereof, in fee ſimple.

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Lewis, were as follow, *viz.*

YEAS.		YEAS.	
1	William Robinſon, junior,	3	David Redick,
2	Alexander Addiſon,	4	Timothy Pickering.

NAYS.		NAYS.	
1	Hilary Baker,	7	Samuel Ogden,
2	George Roberts,	8	Thomas Jenks,
3	William Lewis,	9	John Barclay,
4	Thomas M'Kean,	10	Abraham Stout,
5	Thomas Mifflin,	11	William Gibbons,
6	George Gray,	12	Thomas Bull,

NAYS.

NAYS.		NAYS.	
13	Thomas Rofs,	34	Charles Smith,
14	James Boyd,	35	Simon Snyder,
15	Edward Hand,	36	William Findley,
16	William Atlee,	37	William Todd,
17	John Breckbill,	38	John Hoge,
18	Henry Miller,	39	James Rofs,
19	Henry Slegle,	40	John Smilie,
20	William Reed,	41	Albert Gallatin,
21	Benjamin Tyfon,	42	James M'Lene,
22	Benjamin Pedan,	43	George Matthews,
23	Matthew Dill,	44	James Morris,
24	Robert Whitehill,	45	Samuel Potts,
25	James Power,	46	Lindfay Coates,
26	Jofeph Heifter,	47	Jonathan Shoemaker,
27	Chriftian Lower,	48	John Gloninger,
28	Abraham Lincoln,	49	William Brown,
29	Baltzer Gehr,	50	Alexander Graydon,
30	Samuel Sitgreaves,	51	Andrew Henderfon,
31	John Arndt,	52	John Gibfon,
32	Jofeph Powell,	53	John Sellers.
33	John Piper,		

DUPLICATE SOLD.

So it was determined in the negative.

The twenty-fourth fection of the Bill of Rights, as reported by the committee of nine, being under confideration, *viz.*

That emigration from the ftate fhall not be prohibited.

It was moved by Mr. M'Kean, feconded by Mr. Lewis,

To add the following words to the faid fection, *viz.* Unlefs in time of war.

Which was determined in the negative, and the original fection adopted.

The twenty-fifth fection of the faid Bill of Rights being under confideration, the fame was adopted as follows, *viz.*

To guard againft tranfgreffions of the high powers which we have delegated, WE DECLARE, That every thing in this article expreffed is excepted out of the general powers of legiflation, and fhall for ever remain inviolate.

A motion was made by Mr. M'Kean, feconded by Mr. Smith,

To re-confider the eighteenth fection of the Bill of Rights, in order to ftrike out the words *to their repreſentatives.*

Which was determined in the affirmative,

And the faid fection, as amended, adopted.

The Committee then rofe in order to report, That they had made further progrefs in the bufinefs referred to them, and requeft leave to fit again.

Friday, February 5, 1790. A. M.

The committee refumed the conſideration of the feventh fection of the Bill of Rights, with the amendments adjourned the third inftant,

And the amendment, moved by Mr. Smith, feconded by Mr. Findley, being under conſideration,

On

On the queſtion—" Will the Committee agree to the ſame?"—The Yeas and Nays being called by Mr. Smilie, were as follow, *viz.*

YEAS.	YEAS.
1 William Lewis,	22 Joſeph Powell,
2 Thomas Mifflin,	23 John Piper,
3 William Robinſon, junior,	24 Charles Smith,
4 Robert Hare,	25 Simon Snyder,
5 Thomas Jenks,	26 William Findley,
6 John Barclay,	27 William Todd,
7 James Boyd,	28 Alexander Addiſon,
8 Edward Hand,	29 John Hoge,
9 John Breckbill,	30 David Redick,
10 William Reed,	31 James Roſs,
11 Benjamin Tyſon,	32 John Smilie,
12 Benjamin Pedan,	33 Albert Gallatin,
13 Matthew Dill,	34 James M'Lene,
14 Robert Whitehill,	35 George Matthews,
15 James Power,	36 Lindſay Coates,
16 Joſeph Heiſter,	37 Jonathan Shoemaker,
17 Chriſtian Lower,	38 John Gloninger,
18 Abraham Lincoln,	39 William Brown,
19 Paul Groſcop,	40 Timothy Pickering,
20 Baltzer Gehr,	41 Thomas Beale.
21 Thomas Mawhorter,	

NAYS.	NAYS.
1 Hilary Baker,	12 Henry Slegle,
2 George Roberts,	13 Samuel Sitgreaves,
3 Thomas M'Kean,	14 John Arndt,
4 George Gray,	15 Peter Rhoads,
5 Samuel Ogden,	16 James Morris,
6 Abraham Stout,	17 Samuel Potts,
7 Thomas Bull,	18 Alexander Graydon,
8 Thomas Roſs,	19 Andrew Henderſon,
9 Sebaſtian Graff,	20 John Gibſon,
10 William Atlee,	21 John Sellers.
11 Henry Miller,	

So it was determined in the affirmative, and the amendment adopted.

A motion was then made by Mr. Miller, ſeconded by Mr. Morris,

To adjourn the debates on the ſaid ſeventh ſection, together with the amendments, in order to introduce the following, in lieu thereof, *viz.*

That no law ſhall ever be made abridging the freedom of ſpeech or the preſs.

On the queſtion—" Will the Committee agree to the adjournment for the aforeſaid purpoſe?"—The Yeas and Nays being called by Mr. Thomas Roſs, were as follow, *viz.*

YEAS.	YEAS.
1 Hilary Baker,	7 Thomas Jenks,
2 George Roberts,	8 Abraham Stout,
3 William Lewis,	9 Thomas Bull,
4 Thomas M'Kean,	10 Thomas Roſs,
5 George Gray,	11 Sebaſtian Graff,
6 Samuel Ogden,	12 William Atlee,

YEAS.

YEAS.

13 Henry Miller,
14 Henry Slegle,
15 William Reed,
16 Benjamin Tyſon,
17 Samuel Sitgreaves,
18 John Arndt,
19 Peter Rhoads,

YEAS.

20 James Morris,
21 Samuel Potts,
22 Timothy Pickering,
23 Andrew Henderſon,
24 John Gibſon,
25 John Sellers.

NAYS.

1 William Robinſon, junior,
2 Robert Hare,
3 John Barclay,
4 James Boyd,
5 Edward Hand,
6 John Breckbill,
7 Benjamin Pedan,
8 Matthew Dill,
9 Robert Whitehill,
10 James Power,
11 Joſeph Heiſter,
12 Chriſtian Lower,
13 Abraham Lincoln,
14 Paul Groſcop,
15 Baltzer Gehr,
16 Thomas Mawhorter,
17 Joſeph Powell,
18 John Piper,

NAYS.

19 Charles Smith,
20 Simon Snyder,
21 William Findley,
22 William Todd,
23 Alexander Addiſon,
24 John Hoge,
25 David Redick,
26 James Roſs,
27 John Smilie,
28 Albert Gallatin,
29 James M'Lene,
30 George Matthews,
31 Lindſay Coates,
32 Jonathan Shoemaker,
33 John Gloninger,
34 William Brown,
35 Thomas Beale.

So it was determined in the negative,

And thereupon, the ſaid ſeventh ſection, as amended, adopted as follows, *viz.*

That the printing preſſes ſhall be free to every perſon who undertakes to examine the proceedings of the Legiſlature or any branch of government, and no law ſhall ever be made reſtraining the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely ſpeak, write and print on any ſubject, being reſponſible for the abuſe of that liberty. But upon indictments for the publication of papers inveſtigating the conduct of individuals in their public capacity, or of thoſe applying or canvaſſing for office, the truth of the facts may be given in evidence in juſtification upon the general iſſue.

On motion of Mr. Lewis, ſeconded by Mr. Findley,

The following was adopted as the preamble to the ſaid propoſed conſtitution, *viz.*

We, the People of Pennſylvania, having by our Repreſentatives, freely choſen and in Convention met, altered and amended the conſtitution of this commonwealth, do ordain and eſtabliſh as follows.

And the ſaid conſtitution being then read, the ſame was unanimouſly adopted as follows, *viz.*

WE,

WE, the People of Pennſylvania, having by our Repreſentatives, freely choſen and in Convention met, altered and amended the Conſtitution of this Commonwealth, do ordain and eſtabliſh as follows:—

ARTICLE I.

Section I. THE Legiſlative Power of this commonwealth ſhall be veſted in a General Aſſembly, which ſhall conſiſt of a Senate and Houſe of Repreſentatives.

Section II. The Repreſentatives ſhall be choſen annually by the citizens of the city of Philadelphia, and of each county reſpectively, on the ſecond Tueſday of October.

Section III. No perſon ſhall be a Repreſentative who ſhall not have attained the age of twenty-one years, and have been, the three years next preceding his election, a citizen and inhabitant of the ſtate, and the laſt year thereof an inhabitant of the city or county in which he ſhall be choſen.

Section IV. The number of Repreſentatives ſhall, at the ſeveral periods of making the enumeration in this ſection mentioned, be fixed by the Legiſlature, and apportioned between the city of Philadelphia and the ſeveral counties, according to the number of taxable inhabitants in each, and ſhall never be leſs than ſixty, nor more than one hundred; and that it ſhall be encreaſed at the time of making each enumeration, except the firſt, in the ſame proportion which the encreaſe of the number of taxables ſhall bear to the then number of Repreſentatives, until the ſame ſhall amount to one hundred. But each county ſhall have, at leaſt, one Repreſentative; provided that no new county ſhall be entitled to a ſeparate repreſentation, until a ſufficient number of taxable inhabitants ſhall be contained within the limits thereof, to entitle them to at leaſt one Repreſentative, agreably to the ratio which ſhall then be eſtabliſhed for the city of Philadelphia and the ſeveral counties; an enumeration of the taxable inhabitants ſhall be made within three years after the firſt meeting of the General Aſſembly, and within every ſubſequent term of ſeven years, in ſuch manner, as ſhall be, by law, directed. Until ſuch enumeration ſhall be made, the city of Philadelphia and the ſeveral counties ſhall be reſpectively entitled to chooſe the ſame number of Repreſentatives as is now preſcribed by law.

Section V. The Senators ſhall be choſen for four years by the citizens of the city of Philadelphia and of each county reſpectively, at the ſame time, in the ſame manner and at the ſame places where they ſhall reſpectively vote for Repreſentatives.

Section VI. The number of Senators ſhall, at the ſeveral periods of making the enumeration mentioned in the fourth ſection, be fixed by the Legiſlature, and apportioned between the diſtricts formed as herein after mentioned, according to the number of taxable inhabitants in each, and ſhall never be leſs than one-fourth, nor more than one-third of the number of Repreſentatives.

Section VII. The Senators ſhall be choſen in diſtricts, to be formed by the Legiſlature, containing each, as nearly as may be, ſuch a number of taxable inhabitants as ſhall be entitled to elect one Senator; but where that cannot be done, then ſuch number of adjoining counties ſhall be formed into one diſtrict as ſhall be entitled to elect not more than four Senators: Provided that neither the city of Philadelphia, nor any county, ſhall be divided in forming a diſtrict.

Section VIII. No perſon ſhall be a Senator who ſhall not have attained to the age of twenty-five years, and who ſhall not have been a citizen and inhabitant of the ſtate four years next before his election; the laſt year whereof ſhall have been in the diſtrict for which he ſhall be choſen.

Section IX. Immediately after the Senators ſhall be aſſembled in conſequence of the firſt election, they ſhall be divided, by lot, as equally as may be, into four claſſes. The ſeats of the Senators of the firſt claſs ſhall be vacated at the expiration of the firſt year; of the ſecond claſs at the expiration of the ſecond year; of the third claſs at the expiration of the third year; and of the fourth claſs at the expiration of the fourth year; ſo that one fourth may be choſen every year.

Section X. The General Aſſembly ſhall meet at leaſt once in every year; and ſuch meeting ſhall be on the firſt Tueſday of December.

Section XI. Each Houſe ſhall chooſe its Speaker and other officers; and the Senators ſhall alſo chooſe a Speaker *pro tempore*, when the Speaker ſhall exerciſe the office of Governor.

Section XII. Each Houſe ſhall be the judge of the qualifications of its own members, but in caſe of conteſted elections the ſame ſhall be judged of and determined by a committee, to be ſelected from the houſe in ſuch manner as ſhall be, by law, directed: And a majority of each houſe ſhall conſtitute a quorum to do buſineſs; but a ſmaller number may adjourn from day to day, and may be authoriſed to compel the attendance of abſent members in ſuch manner, and under ſuch penalties, as the houſe may provide.

Section XIII. Each Houſe may determine the rules of its proceedings, puniſh its members for diſorderly behaviour, and, with the concurrence of two-thirds, expel a member, but not a ſecond time for the ſame cauſe, and ſhall have all other powers neceſſary for either branch of the Legiſlature of a free ſtate.

Section XIV. Each Houſe ſhall keep a journal of its proceedings, and publiſh them weekly, excepting ſuch parts as may, in their judgment, require ſecrecy: And the Yeas and Nays of the members of either houſe, on any queſtion, ſhall, at the deſire of any two of them, be entered on the journals.

Section XV. The doors of each Houſe ſhall be open, unleſs when the buſineſs ſhall be ſuch as, in their judgment, ought to be kept ſecret.

Section XVI. Neither Houſe ſhall, without the conſent of the other, adjourn for more than three days, nor to any other place than that in which the two houſes ſhall be ſitting.

Section XVII. The Senators and Repreſentatives ſhall receive a compenſation for their ſervices, to be aſcertained by law, and paid out of the treaſury of the commonwealth. They ſhall, in all caſes, except treaſon, felony and breach of the peace, be privileged from arreſt, during their attendance at the ſeſſion of the reſpective Houſes, and in going to and returning from the ſame; and for any ſpeech or debate in either Houſe they ſhall not be queſtioned in any other place.

Section XVIII. No Senator or Repreſentative ſhall, during the time for which he was elected, be appointed to any civil office, under the authority of this commonwealth, which ſhall have been created, or the emoluments of which ſhall have been encreaſed during ſuch time: And no member of Congreſs, or other perſon, holding any office, except in the militia, under this commonwealth or the United States, ſhall be a member of either Houſe during his continuance in Congreſs or in office.

Section XIX. When vacancies happen in either Houſe the Speaker of that Houſe ſhall iſſue writs of election to fill ſuch vacancies.

Section XX. All bills for raiſing revenue ſhall originate in the Houſe of Repreſentatives; but the Senate may propoſe or concur with amendments, as in other bills.

Section XXI. No money ſhall be drawn from the treaſury, but in conſequence of appropriations made by law.

Section XXII. Every bill, which ſhall have paſſed the Houſe of Repreſentatives and the Senate, ſhall, before it become a law, be preſented to the Governor. If he approve, he ſhall ſign it; but if he ſhall not approve it, he ſhall return it, with his objections

objections, to that Houſe in which it ſhall have originated, who ſhall enter the objections at large upon their journals, and proceed to re-conſider it. If, after ſuch reconſideration, two-thirds of that Houſe ſhall agree to paſs the bill, it ſhall be ſent, together with the objections, to the other Houſe, by which it ſhall likewiſe be re-conſidered, and if approved by two-thirds of that Houſe, it ſhall become a law. But in all ſuch caſes, the votes of both Houſes ſhall be determined by Yeas and Nays, and the names of the perſons voting for and againſt the bill ſhall be entered on the journals of each Houſe reſpectively. If any bill ſhall not be returned by the Governor within ten days (Sundays excepted) after it ſhall be preſented to him, the ſame ſhall be a law in like manner as if he had ſigned it, unleſs the General Aſſembly, by their adjournment, prevent its return, in which caſe it ſhall be a law, unleſs ſent back within three days after their next meeting.

Section XXIII. Every order, reſolution or vote, to which the concurrence of the Senate and Houſe of Repreſentatives may be neceſſary (except on a queſtion of adjournment) ſhall be preſented to the Governor, and before the ſame ſhall take effect, be approved by him; or, being diſapproved by him, ſhall be re-paſſed by two-thirds of the Senate and Houſe of Repreſentatives, according to the rules and limitations preſcribed in caſe of a bill.

ARTICLE II.

Section I. The Supreme Executive Power of this commonwealth ſhall be veſted in a Governor.

Section II. The Governor ſhall be choſen on the ſecond Tueſday of October, by the citizens throughout the commonwealth, at the places where they ſhall reſpectively vote for Repreſentatives. The returns of every election for Governor ſhall be tranſmitted to the ſeat of government, directed to the Speaker of the Senate, who ſhall open and publiſh the ſame in the preſence of both Houſes of the Legiſlature. The perſon having the higheſt number of votes ſhall be Governor; but if it ſhould ſo happen that any two or more ſhould be equal and higheſt in votes, the General Aſſembly ſhall chooſe one of them for Governor by the joint vote of both Houſes. In caſe of conteſted elections, the ſame ſhall be judged of and determined by a committee to be ſelected from both houſes of the Legiſlature, in ſuch manner as ſhall be, by law, directed. During the trial of conteſted elections the Speaker of the Senate ſhall exerciſe the office of Governor.

Section III. The Governor ſhall hold his office during the term of three years, from the third Tueſday of December next enſuing his election, and ſhall not be capable of holding his office longer than nine years in any term of twelve years.

Section IV. He muſt be, at leaſt, thirty years of age; and muſt have been a citizen and inhabitant of this ſtate ſeven years next before his election. Provided, That no perſon abſent on public buſineſs of this ſtate, or of the United States, ſhall thereby be diſqualified.

Section V. No perſon ſhall be capable of exerciſing the office of Governor who, at the ſame time, ſhall be a member of Congreſs, or hold any other office under this ſtate or any office under the United States.

Section VI. The Governor ſhall, at ſtated times, receive for his ſervices a compenſation, which ſhall neither be encreaſed nor diminiſhed during the period for which he ſhall have been elected.

Section VII. He ſhall be Commander in Chief of the army and navy of this commonwealth and of the militia, except when they ſhall be called into the actual ſervice of the United States.

Section

Section VIII. He shall appoint all officers of this commonwealth, whose offices are established by this constitution or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within any county who shall not have resided therein one year next before his appointment. No member of Congress from this state, nor any person holding or exercising any office of trust or profit under the United States, shall, at the same time, hold and exercise any office whatever, otherwise than in the militia, in this state.

Section IX. The Governor shall commission all the officers of this commonwealth.

Section X. He shall have power to remit fines, and grant reprieves and pardons for crimes and offences, except in cases of impeachment.

Section XI. He may require the opinion, in writing, of the officers in each of the Executive Departments upon any subject relating to the duties of their respective offices.

Section XII. He shall, from time to time, give to the General Assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall judge necessary or expedient.

Section XIII. He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months.

Section XIV. He shall take care that the laws be faithfully executed.

Section XV. In case of the death or resignation of the Governor, or of his removal from office, it shall devolve on the Speaker of the Senate until the next annual election of Representatives, when another Governor shall be chosen in the manner herein before mentioned, and until such newly elected Governor shall be duly qualified and commence the exercise of his office.

Section XVI. The State Treasurer shall be appointed annually by the joint vote of both Houses: All other officers in the Treasury Department, Election Officers, Officers relating to taxes, to the poor and highways, Constables and other Township Officers shall be appointed in such manner as is or shall be directed by law.

Section XVII. A Secretary shall be appointed and commissioned by the Governor. He shall be Keeper of the Seals of the state, and shall, under the direction of a committee of both branches of the Legislature, affix the seal to the laws when the same shall be enacted. He shall countersign all commissions, charters of pardon, and patents for land, signed by the Governor, as well as marriage, tavern and other licences. He shall have the custody of all public acts, official documents and state papers which shall be addressed, or belong, to the Executive Department, to be laid before the Governor or either House when called for. He shall attend the Governor or either House when required, and shall perform all such other duties as shall be enjoined him by future acts of the Legislature.

ARTICLE III.

Section I. In elections by the citizens every freeman of the age of twenty-one years, having resided in the state two years next before the days of the elections respectively, and paid state or county taxes within that time, which tax shall have been assessed upon him at least six months before the election, shall enjoy the rights of an elector.

Section II. All elections shall be by ballot, except those by persons in their Representative or public capacities, which shall be *viva voce*.

Section III. Electors shall be privileged from arrests in all cases except treason, felony and breach of the peace during their attendance on elections and in going to and returning from the same.

ARTICLE IV.

Section I. The Houſe of Repreſentatives ſhall have the ſole power of impeachment.

Section II. All impeachments ſhall be tried by the Senate: When ſitting for that purpoſe the Senators ſhall be on oath or affirmation: No perſon ſhall be convicted without the concurrence of two-thirds of the members preſent.

Section III. Judgment in caſes of impeachment ſhall not extend further than to removal from office, and diſqualification to hold any office of honor, truſt or profit under this commonwealth; but the party convicted ſhall nevertheleſs be liable to indictment, trial, judgment and puniſhment according to law.

ARTICLE V.

Section I. The Judicial Power of this commonwealth ſhall be veſted in a Supreme Court, in Courts of Oyer and Terminer and General Gaol Delivery, in a Court of Common Pleas, Orphans' Court, Regiſter's Court, and Court of Quarter Seſſions for each county, in Juſtices of the Peace, and in ſuch other Courts of law and equity as the Legiſlature may, from time to time, eſtabliſh.

Section II. The Judges of the Supreme Court and the Judges of the ſeveral Courts of Common Pleas ſhall be commiſſioned and hold their offices during good behaviour: But the Governor may remove any of them on the addreſs of two-thirds of each branch of the Legiſlature. The Judges of the Supreme Court and the Preſidents of the ſeveral Courts of Common Pleas ſhall, at ſtated times, receive for their ſervices an adequate compenſation, which ſhall not be diminiſhed during their continuance in office: But they ſhall hold no other office of profit in this commonwealth.

Section III. The juriſdiction of the Supreme Court ſhall extend over the whole ſtate. The Judges of the ſame Court ſhall, by virtue of their offices, be Juſtices of Oyer and Terminer and General Gaol Delivery in the ſeveral counties. No ſpecial commiſſion of Oyer and Terminer or Gaol Delivery ſhall be iſſued.

Section IV. The ſeveral Courts of Common Pleas, for the preſent, ſhall be eſtabliſhed in the following manner: The Governor ſhall appoint a number of Judges in each county, not leſs than three and not exceeding four, who, during their continuance in office, ſhall reſide within ſuch county. The ſtate ſhall, by law, be divided into circuits, any of which ſhall include not more than ſix, nor fewer than three counties. A Preſident ſhall be appointed for the ſeveral courts in each circuit, who, during his continuance in office, ſhall reſide within ſuch circuit. Such Preſident and Judges, or any two of them, ſhall be the Judges who ſhall compoſe the reſpective Courts of Common Pleas.

Section V. The Judges of the Courts of Common Pleas in each county, or any two of them—the Preſident being one, ſhall be Juſtices of Oyer and Terminer and General Gaol Delivery for the trial of capital and other offenders in their reſpective counties: But they ſhall not hold a Court of Oyer and Terminer and General Gaol Delivery in any county when the Judges of the Supreme Court, or ſome of them, ſhall be ſitting in the ſame county. But the parties accuſed, as well as the commonwealth, may remove the indictment and proceedings into the Supreme Court at any time before trial.

Section VI. The Supreme Court and the ſeveral Courts of Common Pleas ſhall, beſide the powers heretofore uſually exerciſed by the ſaid courts, have the power of a Court of Chancery, ſo far as relates to the perpetuating of teſtimony, obtaining evidence from places not within the ſtate, and the care of the perſons and eſtates of thoſe who are *non compotes mentis:* And the Legiſlature ſhall, as ſoon as conveniently

may

may be after their firſt meeting under this conſtitution, veſt in the ſaid courts ſuch other powers to grant relief in equity in all caſes to which common law proceedings are not competent, and ſhall regulate the exerciſe thereof and, from time to time, enlarge, diminiſh or veſt the ſame in ſuch other courts as they ſhall judge neceſſary for the due adminiſtration of juſtice.

Section VII. The Judges of the Courts of Common Pleas ſhall compoſe the Courts of Quarter Seſſions and Orphans' Court in their reſpective counties, any two of whom ſhall be a quorum; and the Regiſter of Wills. together with the ſaid Judges, or any two of them, ſhall compoſe the Regiſter's Court in the reſpective counties.

Section VIII. The Judges of the Courts of Common Pleas ſhall have the like powers with the Judges of the Supreme Court to iſſue writs of Certiorari to the Juſtices of the Peace within the ſeveral counties reſpectively, and to cauſe their proceedings to be brought before them and the like right and juſtice to be done.

Section IX. The Preſident of the Court of each circuit ſhall be Conſervator of the Peace within ſuch circuit; and the Judges of the Court of Common Pleas ſhall be Conſervators of the Peace within their reſpective counties.

Section X. The Governor ſhall appoint and commiſſion a competent number of Juſtices of the Peace in convenient diſtricts in each county, to be fixed in ſuch manner as ſhall be, by law, directed. They ſhall be commiſſioned during good behaviour; but may be removed on conviction of miſbehaviour in office or any infamous crime, or on the addreſs of both Houſes of the Legiſlature.

Section XI. A Regiſter's office for the probate of wills and granting letters of adminiſtration, and an office for the recording of deeds ſhall be kept in each county.

Section XII. Prothonotaries, Clerks of the Peace and Orphans' Courts, Recorders of Deeds, Regiſters of Wills, and Sheriffs ſhall keep their offices in the county town of the county in which they reſpectively ſhall be officers.

Section XIII. The ſtile of all proceſs ſhall be *The Commonwealth of Pennſylvania:* All proſecutions ſhall be carried on in the name and by the authority of the Commonwealth of Pennſylvania, and ſhall conclude *Againſt the peace and dignity of the ſame.*

ARTICLE VI.

Section I. Sheriffs and Coroners ſhall, at the places of the election of Repreſentatives, be choſen by the citizens of each county reſpectively; two perſons ſhall be choſen for each office, one of whom for each ſhall be commiſſioned by the Governor; they ſhall hold their offices for three years, and until a ſucceſſor be duly qualified. But no perſon ſhall be twice choſen or appointed Sheriff in any term of ſix years.

Section II. The freemen of this commonwealth ſhall be armed and diſciplined for its defence: The militia officers ſhall be appointed in ſuch manner, and for ſuch time, as ſhall be, by law, directed.

ARTICLE VII.

That the great and eſſential Principles of Liberty and free Government may be recognized and unalterably eſtabliſhed, WE DECLARE,

Section I. That all men are born equally free and independent, and have certain inherent and indefeaſible rights, among which are thoſe of enjoying and defending life and liberty, of acquiring, poſſeſſing and protecting property and reputation, and of purſuing their own happineſs.

Section II. That all power being originally veſted in, is derived from, the people, and all free governments originate from their will, are founded on their authority, and inſtituted for their common peace, ſafety and happineſs; and for the advancement thereof, they have, at all times, an unalienable and indefeaſible right to alter, reform or aboliſh their government, in ſuch manner as they may think proper.

Section III. That all men have a natural and indefeaſible right to worſhip Almighty God according to the dictates of their own conſciences, and that no man can of right be compelled to attend any religious worſhip, or to erect or ſupport any place of worſhip, or to maintain any miniſtry againſt his free will and conſent; and that no human authority can controul or interfere with the rights of conſcience in any caſe whatever, nor ſhall any preference ever be given, by law, to any religious eſtabliſhments or modes of worſhip.

Section IV. That no perſon who acknowledges the being of a God and a future ſtate of rewards and puniſhments, ſhall, on account of his religious ſentiments, be diſqualified to hold any office or place of truſt or profit under this commonwealth.

Section V. That elections ſhall be free and equal.

Section VI. That trial by jury ſhall be as heretofore, and the right thereof ſhall remain inviolate.

Section VII. That the printing preſſes ſhall be free to every perſon who undertakes to examine the proceedings of the Legiſlature or any branch of government, and no law ſhall ever be made reſtraining the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely ſpeak, write and print on any ſubject, being reſponſible for the abuſe of that liberty. But upon indictments for the publication of papers inveſtigating the conduct of individuals in their public capacity, or of thoſe applying or canvaſſing for office, the truth of the facts may be given in evidence in juſtification upon the general iſſue.

Section VIII. That the people ſhall be ſecure in their perſons, houſes, papers and poſſeſſions againſt unreaſonable ſearches and ſeizures, and no warrant ſhall iſſue to ſearch any place, or to ſeize any perſon or things, but on probable cauſe, ſupported by oath or affirmation, and deſcribing them as nearly as may be.

Section IX. That in all proſecutions by indictment, the accuſed hath a right to be heard by himſelf and his counſel; to demand the cauſe and nature of the accuſation; to meet the witneſſes face to face; to have compulſory proceſs for obtaining witneſſes in his favor, and a ſpeedy public trial by an impartial jury of the vicinage; nor can he be compelled to give evidence againſt himſelf; nor can any man be deprived of his life, liberty or property but by the judgment of his peers or the law of the land.

Section X. That no perſon ſhall be proceeded againſt by information for any indictable offence, except in caſes ariſing in the land or naval forces, or in the militia when in actual ſervice in time of war or public danger; nor ſhall any perſon, for the ſame offence, be twice put in jeopardy of life or limb; nor ſhall any man's property be taken, or applied to public uſe, without the conſent of his Repreſentatives, and on juſt compenſation being made.

Section

Section XI. That all courts shall be open, and every freeman for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of the law, and right and justice administered to him without sale, denial or delay.

Section XII. That no power of suspending laws, or the execution thereof, shall be exercised, unless by the Legislature or by the authority thereof.

Section XIII. That excessive bail shall not be required, nor excessive fines imposed, or cruel punishments inflicted.

Section XIV. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or presumption great, and the privilege of the writ of Habeas Corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it.

Section XV. That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison after delivering up all his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

Section XVI. That no *expost facto* law, or law impairing contracts shall be made.

Section XVII. That no person shall be attainted of treason or felony by the Legislature.

Section XVIII. That no attainder shall work corruption of blood or forfeiture of estate to the commonwealth; the estates of such persons as shall destroy their own lives shall go as in the case of natural death. And if any person shall be killed by casualty or accident there shall be no forfeiture by reason thereof.

Section XIX. That the citizens have a right to assemble together in a peaceable manner for their common good and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Section XX. That the right of the citizens to bear arms in defence of themselves and the state shall not be questioned; but those who conscientiously scruple to bear arms shall not be compellable to do so, but shall pay an equivalent for personal service.

Section XXI. That no standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall, in all cases and at all times, be kept in strict subordination to the civil power.

Section XXII. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Section XXIII. That the Legislature shall, at no time, grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behaviour.

Section XXIV. That emigration from the state shall not be prohibited.

Section XXV. To guard against transgressions of the high powers which we have delegated, WE DECLARE, That every thing in this article expressed, is excepted out of the general powers of legislation, and shall for ever remain inviolate.

On motion of Mr. Pickering, seconded by Mr. Ogden,

Resolved, unanimously, that the thanks of this Committee be given to General Hand, for his able and impartial conduct while Chairman thereof.

The Committee, having compleated the business referred to them, rose in order to report the said Plan of Government to the Convention.